

Harold M. Bemis,
John M. Schelling, and
Bert B. Taylor.

REAR-ADMIRAL.

Capt. William W. Kimball to be a rear-admiral in the navy.

POSTMASTERS.

CALIFORNIA.

Josiah R. Baker to be postmaster at Antioch, Cal.

FLORIDA.

Enoch E. Skipper to be postmaster at Bartow, Fla.

OREGON.

Jesse N. Baskett to be postmaster at Freewater, Oreg.
Nathan E. Chambliss to be postmaster at Arleta, Oreg.
Charles W. Merrill to be postmaster at Bend, Oreg.
George M. Richey to be postmaster at Lagrande, Oreg.

WEST VIRGINIA.

Joseph Williams to be postmaster at St. Marys, W. Va.

WASHINGTON.

Samuel F. Street to be postmaster at Edmunds, Wash.

ARBITRATION WITH ARGENTINE REPUBLIC.

The injunction of secrecy was removed from an arbitration convention between the United States and the Argentine Republic, signed at Washington on December 23, 1908.

ARBITRATION WITH THE REPUBLIC OF SALVADOR.

The injunction of secrecy was removed from an arbitration convention between the United States and the Republic of Salvador, signed at Washington on December 21, 1908.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, January 6, 1909.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

DISTRICT OF COLUMBIA APPROPRIATION BILL.

Mr. GARDNER of Michigan. Mr. Speaker, I am directed by the Committee on Appropriations to report the District of Columbia appropriation bill, making appropriations for the expenses of the District for the fiscal year ending June 30, 1910.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes.

Mr. BOWERS. Mr. Speaker, I desire to reserve all points of order on the bill.

The SPEAKER. The gentleman from Mississippi reserves all points of order on the bill, which bill is referred to the Committee of the Whole House on the state of the Union.

Mr. GARDNER of Michigan. Mr. Speaker, I desire to give notice I will call up this bill for consideration to-morrow morning.

CALL OF COMMITTEES.

The SPEAKER. The Clerk will proceed to call the next committee.

When the Committee on Military Affairs was called,

ARMY OFFICERS WITH INCREASED RANK.

Mr. HULL of Iowa. Mr. Speaker, I desire to call up the bill S. 653.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

An act (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank.

Be it enacted, etc., That officers of the army on the retired list whose rank has been, or shall hereafter be, advanced by operation of or in accordance with law shall be entitled to and shall receive commissions in accordance with such advanced rank.

Mr. HULL of Iowa. Mr. Speaker, I desire to move an amendment, I do not know the line in the Senate bill, but to insert after the word "Army" the words "Navy and Marine Corps" so that it will read, "officers of the Army, Navy, and Marine Corps."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

In line 3, after the word "Army," insert the words "Navy and Marine Corps."

Mr. MANN. Mr. Speaker, before the amendment is offered I wish the gentleman would give the reasons for the bill.

Mr. PAYNE. I wish he would give the reasons and also the result.

Mr. HULL of Iowa. Under the act of April 23, 1904, officers of the army who have served in the civil war, whether on the active or retired list, were advanced one grade. In other words, a captain became a major, with rank, pay, and allowances. The navy had already passed a bill of this kind affecting the naval active officers and afterwards passed one affecting retired officers. Now, those who are on the active list of the army get this rank, pay, and commission and those on the retired list get the rank and pay, but have no commission. Now, officers of the army on the retired list would like to have a commission. It does not increase the rank or pay. The Naval Committee requested the same action in regard to the officers on the retired list of the navy and the chairman of the Committee on Naval Affairs, and, I think, all the other members of the committee, united in requesting this amendment being offered, and said if I would notify them when it came up they would be glad to offer it. It places all on an equality and has no effect except to give a commission and the rank and pay to which the Congress of the United States has already advanced them.

Mr. MANN. If the Congress has advanced them to this rank, why do not they have a commission? What is the purpose of the bill? I have read this bill and read the report of the War Department, but can not get it through my head yet what they want and why they want it and what good it will do.

Mr. HULL of Iowa. The purpose of the bill is—

Mr. MANN. I can not get it through my head yet what they want.

Mr. HULL of Iowa. It gives them a commission. It gives them no additional pay. It gives them a commission the same as if they had been on the active list.

Mr. MANN. Take the case that was referred to in the newspapers a few days ago, and will the gentleman tell us how it will operate in that case? The papers stated a few days ago that a certain officer of the army had been declared to be incapable physically of promotion in the army, and thereupon he was ordered retired because of his physical incapacity at a higher grade than he then had, in order that he might accompany the President to Africa, where I suppose physical capacity is as much required as in any other place. Is it possible under existing law for such a thing as that to occur, or is that a newspaper mistake?

Mr. HULL of Iowa. I want to say that as far as this bill is concerned it would not affect that case in the slightest degree one way or the other. The man he refers to has no civil-war record. If the gentleman will remember, we passed an act that was approved April 23, 1904, as follows:

That any officer of the army below the grade of brigadier-general, who served with credit as an officer, or any enlisted man in the Regular or Volunteer forces during the civil war prior to April 9, 1865, otherwise than as a cadet, and whose name is borne on the official register of the army, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the army with the rank and retired pay of one grade above that actually held by him at the time of retirement.

Now, the case the gentleman refers to has nothing whatever to do with this bill, and under no circumstances could he be a beneficiary of it.

Mr. MANN. That may be a matter of argument.

Mr. HULL of Iowa. No; it is not.

Mr. MANN. If the gentleman is positive about it, I will take his assurance, and perhaps he will give further assurance then. The statement in the papers was that this man had been retired, on three-quarters pay, I suppose, at an advanced grade; and that he was now ordered to duty at his full pay at the advanced grade in order to accompany the President to Africa. I take it that it is not possible, not intended, and that it was a newspaper story, but I would like the authority of the gentleman.

Mr. HULL of Iowa. I want to say to the gentleman, under the laws of this country, if a man serves up to the time he is entitled to promotion and a vacancy occurs, and he is not able to discharge the duties on account of physical disabilities, he is promoted to that and retired at the grade he has earned by service. That is the case, probably, of this officer. That is the present law. The case we are legislating on now refers to those officers of the Army, Navy, and Marine Corps who had creditable service in the civil war otherwise than as a cadet.

Mr. MANN. I wanted to get the gentleman to deny this libel on the President.

Mr. HULL of Iowa. The gentleman wants me to deny something I do not know anything about.

Mr. MANN. Is it possible under the existing law to advance a man one grade on the ground that he is physically incapacitated, retire him on three-quarters pay, and thereupon immediately order him to accompany an ex-President of the United States, on full pay, at an advanced grade, in some foreign country?

Mr. HULL of Iowa. Mr. Speaker, it is possible to retire him at an advanced grade if he has earned the grade before being retired and served right up to that. It is not possible, in my judgment, to order any retired officer on any duty of that character.

Mr. MANN. Or any officer.

Mr. HULL of Iowa. Or any other officer. No; I should say he had no power, and yet it is hard to tell just where the limitation comes on the power of the President as Commander in Chief of the Army and Navy to order an officer anywhere or a ship anywhere. The President has entire charge of it.

Mr. MANN. No; I do not think the President has issued any such order. I was calling attention to the newspaper report that the present President had ordered an army officer to accompany the ex-President after the President's term had expired.

Mr. HULL of Iowa. I would say not.

Mr. CLARK of Missouri. Perhaps he discovered some miraculous cure after he got his promotion.

Mr. HULL of Iowa. This is a very common thing for officers who have served right up to the time and are entitled to the grade on retiring. The only question, as I understood the gentleman from Illinois, was, Has this order been taken some advantage of? I should say not. I do not believe it has.

Mr. MANN. I do not believe it has. I believe it is a libel on the President.

Mr. HULL of Iowa. I have no information on the subject.

Mr. MANN. I have not heard of anybody being placed in the "Ananias Club" on account of it, and I thought I would ask for information.

Mr. HULL of Iowa. If you should go to work and credit every statement that has been seen in the newspapers, the membership of the "Ananias Club" would be a majority and the rest of us would be in a bad fix. [Laughter.]

Mr. MADDEN. Does this bill deal with officers of the civil war who are not graduates of the Military Academy?

Mr. HULL of Iowa. Oh, yes.

Mr. MADDEN. By this bill do you place all such officers who served in the civil war, on the pay roll of the Government, on the retired list?

Mr. HULL of Iowa. No, sir. Those who served during the civil war and were then appointed to the Regular Army and served in the Regular Army until they were retired are now on the retired list as of the Regular Army.

Mr. MADDEN. Why does not this bill place the men who served in the civil war as officers, and performed valiant services for the country, who were not appointed officers in the Regular Army, but have been making their livelihood by other means since the war—why were they not included in this proposition? Are they not entitled to it?

Mr. HULL of Iowa. It would be impossible to include all the officers that the gentleman speaks of in a bill of this character.

Mr. MADDEN. Why?

Mr. HULL of Iowa. This bill is only to give commissions to men who already have the rank and pay as retired officers. It simply provides for issuing a commission to them, for a position Congress has already given them. The other bill deals with a very different proposition.

Mr. MADDEN. Why?

Mr. HULL of Iowa. It is to create another line of officers on the retired list, practically another retired list. This simply gives these men a commission for a position of which they have the regular rank and pay now.

Mr. MADDEN. So that you have already given them retired pay and now wish to commission them as officers one grade above their rank while in the service. What is the need for that?

Mr. HULL of Iowa. If they had to give up the rank and pay to get the commission, they would say, let the commission go.

Mr. MADDEN. And yet the men in the volunteer service of the country during the civil war, who rendered as valiant service as these men, who were not assigned to the Regular Army and placed in positions similar to the ones they occupied in the civil war, are still ignored and no action taken for their relief.

Mr. HULL of Iowa. I happen to be one of those men myself. There is a bill pending before the Military Committee of the

House and Senate creating an additional retired list of the army and navy of the country.

Mr. MADDEN. Why is it that that bill has not been reported? Mr. HULL of Iowa. Because a majority of the committee did not believe it to be the best interests of the Government.

Mr. SLAYDEN. And it would mean ultimately \$100,000,000. Mr. HULL of Iowa. Not that much.

Mr. MADDEN. But you are giving officers already on the retired list additional honors, and yet the men that I have spoken of have not been given any consideration whatever.

Mr. HULL of Iowa. We had passed a bill giving them the increased rank and pay, and the War and Navy departments claimed that it was not necessary to issue them a commission at that time, and this bill is simply for the purpose of issuing them a commission for the position of which they already have the rank and pay.

Mr. MADDEN. I should like to see the veteran officers of the civil war taken care of, and I hope the Committee on Military Affairs will report in favor of placing them on the retired list.

Mr. HULL of Iowa. I shall be delighted to have the eloquent voice of my friend from Illinois raised in defense of that bill when it is up for consideration; but until it comes before the House it is hardly a subject for discussion.

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was ordered to a third reading, and was accordingly read the third time and passed.

Mr. HULL of Iowa. Mr. Speaker, I move to amend the title of the bill by inserting after the word "Army" the words "Navy and Marine Corps."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amend the title by inserting after the word "Army" the words "Navy and Marine Corps."

The amendment was agreed to.

On motion of Mr. HULL of Iowa, a motion to reconsider the vote by which the bill was passed was ordered to lie on the table.

The SPEAKER pro tempore. The Clerk will resume the call of committees.

The Committee on Indian Affairs was called.

CERTAIN SHAWNEE AND DELAWARE INDIANS.

Mr. SHERMAN. Mr. Speaker, I desire to call up the bill (H. R. 14399) conferring jurisdiction on the Court of Claims to determine the amount due certain Shawnee and Delaware Indians of the United States.

The bill was read, as follows:

Be it enacted, etc., That jurisdiction be, and it is hereby, conferred on the Court of Claims of the United States, subject to appeal to the Supreme Court, to determine the amounts of the losses sustained by the individual Shawnee and Delaware Indians in the years 1861 to 1866, inclusive, by depredations against their property at the hands of United States soldiers and white citizens of the United States while said Indians were peaceably and in amity with the United States occupying their own reservations in Kansas and the Indian Territory.

SEC. 2. That said court in determining said losses shall hear evidence as in other cases within its general jurisdiction and rules, and shall also consider the evidence taken by Indian Agent Abbott mentioned in the letter of date January 23, 1867, by Lewis V. Boggs, Commissioner of Indian Affairs, to Hon. O. H. Browning, Secretary of the Interior, and filed in the Court of Claims in the suit of Johnson Blackfeather, principal chief of the Shawnee Indians, against the United States, No. 1710; and all the evidence duly taken in said suit shall be considered by the Court of Claims in determining said losses.

SEC. 3. That said Indians may within six months from the approval of this act, through a committee of three of their number selected by themselves, after notice of thirty days in the principal newspapers published nearest their homes, file their petition in said court, setting up their losses and sue for the same.

With the following proposed committee amendments:

On line 5, page 1, after the word "to" and before the word "determine," insert the words "find, adjudicate, and."

On line 12, page 1, after the word "Territory," insert the words "and render judgment therefor against the United States in favor of such individual Indian, his or her heirs or legal representatives, as hereinafter provided."

On line 12, page 2, after the word "said," insert the word "individual."

After line 17, page 2, add:

"SEC. 4. In rendering the judgments provided for in section 1 of this act against the United States in favor of the individual Indians, the court shall ascertain and fix the just amount of attorney's fees in each case, under any written contracts by them executed, and in its decree set apart the same out of the amount due to each individual Indian and cause a separate judgment warrant to issue to the claimant and his attorney in full payment for his services in this behalf to such individual Indian, his heirs or legal representatives."

Mr. MANN. Mr. Speaker, I make the point of order against the bill that it does not properly belong on the House Calendar, but does belong on the Union Calendar.

The SPEAKER pro tempore. The Chair will hear the gentleman from Illinois on his point of order.

Mr. MANN. Rule XXIII, clause 3, provides that all bills referring claims to the Court of Claims shall be considered in Committee of the Whole; also, that all motions or propositions involving a tax or charge upon the people shall be considered in Committee of the Whole. The purpose of this bill is to confer on the Court of Claims authority to determine the amounts of losses sustained by certain claimants, and at the top of page 2 the proposed committee amendment says:

And render judgment therefor against the United States in favor of such individual Indian, his or her heirs or legal representatives, as hereinafter provided.

A similar bill was before the House yesterday, except that in that bill there was not a direct reference to the Court of Claims. The Speaker yesterday held that where a bill authorizes a judgment to be entered against the United States it involves a tax upon the people, and hence must be considered in Committee of the Whole; but this bill expressly provides for reference of claims to the Court of Claims and comes within the provisions of clause 3 of Rule XXIII.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. SHERMAN] desire to be heard on the point of order?

Mr. SHERMAN. I do not, Mr. Speaker. I found the bill on the House Calendar. I have not looked at it closely. I intended to yield to the gentleman from Indiana [Mr. CHANEY], the introducer of the bill, and to the gentleman from Oklahoma [Mr. McGUIRE], who reported the bill, to discuss the merits of it. I had not recently read the bill.

The SPEAKER pro tempore. The Chair sustains the point of order. The bill will be referred to the Union Calendar.

SHAWNEE TRAINING SCHOOL, SHAWNEE, OKLA.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to call up House resolution 384, reported from the Committee on Indian Affairs.

The SPEAKER pro tempore. The gentleman from Texas, a member of the Committee on Indian Affairs, calls up a House resolution, which the Clerk will report.

The Clerk read House resolution 384, as follows:

Resolved, That the Secretary of the Interior is hereby respectfully requested, if not incompatible with the public interest, to furnish the House of Representatives of the United States the names of the employees at the Shawnee Training School, at Shawnee, Okla., giving the sex of each employee and the compensation paid each; the total annual appropriation and expenditure made for the said school; a description of all the buildings at said school and how occupied January 1, 1908; the maximum attendance for 1907; the name of the tribe or band to which each of the several Indian pupils belong; the cost of buildings, and of any water, sewer, or lighting plant; the total number of enrolled Indians under the jurisdiction of the superintendent in charge of said school, and the tribe, sex, and place of residence of each of said Indians; the number of Indian allottees within said jurisdiction who are now citizens of the State of Oklahoma and were actually residing upon their original allotments January 1, 1907, giving the number of each allotment so occupied, and state the number of children said allottees have in said training school, and the counties of their respective residences.

And he is further requested to advise the House whether or not Indians of any other tribe or tribes than the Shawnee, Pottawatomie, and Kickapoo have been enrolled to attend the said school during the years 1906 and 1907; and if so, the number and to what tribe they belong, and whether or not their parents have their lands allotted to them and are voters and citizens of the State of Oklahoma.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to have read the resolution substituted by the Committee on Indian Affairs.

The Clerk read as follows:

The Committee on Indian Affairs, having considered House resolution 384, which reads as follows:

Resolved, That the Secretary of the Interior is hereby respectfully requested, if not incompatible with the public interest, to furnish the House of Representatives of the United States the names of the employees at the Shawnee Training School, at Shawnee, Okla., giving the sex of each employee and the compensation paid each; the total annual appropriation and expenditure made for the said school; a description of all the buildings at said school and how occupied January 1, 1908; the maximum attendance for 1907; the name of the tribe or band to which each of the several Indian pupils belong; the cost of buildings, and of any water, sewer, or lighting plant; the total number of enrolled Indians under the jurisdiction of the superintendent in charge of said school, and the tribe, sex, and place of residence of each of said Indians; the number of Indian allottees within said jurisdiction who are now citizens of the State of Oklahoma and were actually residing upon their original allotments January 1, 1907, giving the number of each allotment so occupied, and state the number of children said allottees have in said training school, and the counties of their respective residences.

And he is further requested to advise the House whether or not Indians of any other tribe or tribes than the Shawnee, Pottawatomie, and Kickapoo have been enrolled to attend the said school during the years 1906 and 1907; and if so, the number and to what tribe they belong, and whether or not their parents have their lands allotted to them and are voters and citizens of the State of Oklahoma.

reports the same back to the House, with the recommendation that it do pass.

Mr. STEPHENS of Texas. Mr. Speaker, I ask that the resolution just read be substituted for the original resolution.

Mr. MANN. I would like to call the attention of the gentleman from Texas to the fact that this is precisely the same resolution that was read, word for word and letter for letter.

The SPEAKER pro tempore. The proposed amendment is word for word like the resolution.

Mr. STEPHENS of Texas. This was substituted by a subsequent bill.

Mr. MANN. Then this is the amended resolution?

Mr. STEPHENS of Texas. Yes; I ask for the passage of the original resolution.

The SPEAKER pro tempore. Without objection, the amendment will be withdrawn, and the question is on agreeing to the original resolution.

Mr. STEPHENS of Texas. Mr. Speaker, this resolution calls for information as to what is the cost of educating Indians at this special school in Oklahoma. This is a nonreservation school. We are spending a great deal of money in different parts of the United States in these nonreservation schools, and I believe the Government should adopt the policy of transferring the nonreservation schools to the States and Territories where they are situated and make industrial schools of them for the whites as well as the Indians. We can in that way educate the Indians and whites together. A great many of the Indians are already citizens of the United States, or at least their parents are, and some of them are voters and some officeholders. I see no reason why we should make any distinction between the red man and the white man. After the Indian becomes a citizen and voter, the State and not the United States should educate them. Since Oklahoma has been organized as a State this Shawnee nonreservation Indian school, and all other Indian schools having in them children of citizens of the State, should be educated by the State. These schools cost us a great deal of money, and it should be paid by the State, and thereby become a part of the educational system of the State. Let this Government have the same right to control the schools as they are now exercising in the agricultural and mechanical schools in the States where they are situated. I ask for the information mentioned in this resolution in order to base upon it a bill that I propose to bring before Congress for the purpose of transferring these nonreservation schools to the various States and Territories wherever they may be situated. The information is to be directed to that purpose.

Mr. OLMSTED. Will the gentleman allow a question?

Mr. STEPHENS of Texas. Certainly.

Mr. OLMSTED. I would like to ask the gentleman a question. He has stated that he proposes to bring in a bill relating to all nonreservation schools in the country. This resolution applies to only one school.

Mr. STEPHENS of Texas. Yes; but it is for the purpose of getting information relating to the general proposition that we now have under consideration; and I believe its best solution would be to transfer the nonreservation schools to the States and Territories where the schools are situated.

Mr. OLMSTED. What nonreservation schools?

Mr. STEPHENS of Texas. All of the nonreservation schools in the United States. This is one of them, and by getting the information that is here called for we can ascertain what this kind of schools are costing the Government, what kind of buildings they have, and whether it is practicable to transfer them to the States and Territories.

Mr. OLMSTED. Is it the gentleman's idea that data pertaining to this particular school covered by this resolution shall be used as a basis to determine the question as to all nonreservation schools in the United States?

Mr. STEPHENS of Texas. It will give us a great deal of light on that question, because each State has been doing its best to get the largest appropriations and the best buildings possible for Indian schools, and I presume that the cost of educating the children in this Shawnee Indian school would be about an average of the rest of the nonreservation Indian schools in the States and Territories.

Mr. OLMSTED. Can not the gentleman or any of us ascertain, by looking at the published report of the Indian Commissioner, how many pupils there are in a particular school, how much it is costing the Government, and all of these facts pertaining to the schools which the gentleman calls for in this resolution?

Mr. STEPHENS of Texas. That published information would not show whether they belonged to the same tribe or not or whether the parents were citizens of the State.

Mr. OLMSTED. It would show whether it was a reservation or a nonreservation school, and show the cost of maintenance, the cost of the buildings, the number and extent of

the buildings, and all the information which this resolution calls for except the possible question as to how many are Shawnees and how many belong to other tribes.

Mr. STEPHENS of Texas. It would not give all the information we desire, but this resolution would give that information and place the matter more fully before Congress and before the country. It is a matter of great interest to the country. I do not think they are longer needed, and I believe that the proper policy would be to transfer them to the States and Territories in which they are situated and make them industrial schools for the children of whites and Indians alike.

Mr. OLMSTED. Well, this seems to raise the whole question upon a simple resolution to get certain information concerning one school, which information, or most of which, we already have.

Mr. STEPHENS of Texas. I think not. A good deal of it we have not got.

Mr. STAFFORD. Can the gentleman state the number of nonreservation schools?

Mr. SHERMAN. Twenty-seven are specifically appropriated for.

Mr. STAFFORD. Will the gentleman specify the reason why he has singled out this one school in calling upon the Secretary of the Interior for information as to the cost of these nonreservation schools throughout the country?

Mr. STEPHENS of Texas. Because it would be very hard and it would require a good deal of labor and time to get up the information desired of all the schools, but as to one school it would be much easier to get the information.

Mr. STAFFORD. I understand the purpose of the gentleman in seeking information is to prepare a bill seeking to discontinue the present Indian schools located not on reservations.

Mr. STEPHENS of Texas. Yes; and then to turn them over to the States and Territories in which they are situated and make them industrial schools for whites and Indians alike.

Mr. STAFFORD. Is there any instance in which that course has been adopted up to the present time?

Mr. STEPHENS of Texas. I do not know of any instance of that kind, but I think it should be done. We have no instance in which a citizen of any State or Territory has been educated at the expense of the United States Government, except in Annapolis and West Point.

Mr. STAFFORD. It has always been the policy of the Government, however, to educate the Indians as wards of the nation.

Mr. STEPHENS of Texas. But they are no longer wards of the Nation. That is the point I make, that when their parents become citizens of the State where they live, the children are no longer wards of the Government, but become citizens of the State and Territory where the Indian lives, and we should take our hands from them and let them become part and parcel of the people of the entire State where they live, and let the State control them, and we should take them from under the jurisdiction of the Secretary of the Interior and let them become citizens in fact as well as in name.

Mr. STAFFORD. Do I understand that the gentleman contends that all the pupils in these nonreservation schools are children of Indians who are now full-fledged citizens?

Mr. STEPHENS of Texas. That is what I am trying to find out. That is the information I want. Some of them are and some not, and I can not state the number.

Mr. STAFFORD. Does the gentleman surmise that the same condition prevails at other nonreservation schools?

Mr. STEPHENS of Texas. It does.

Mr. STAFFORD. What institutions?

Mr. STEPHENS of Texas. Numerous institutions, all nonreservation schools where they send Indians from one part of the United States to another—for instance, Carlisle. In that school you will find Indians from every State and Territory having Indian reservations in its borders.

Mr. STAFFORD. Is not that a typical institution, and should not the gentleman embody an amendment asking for information as to that school?

Mr. STEPHENS of Texas. This resolution is to get the general information in regard to one single school, and in a newly admitted State that had formerly been a Territory. I think that would be a fair illustration of the general policy of the Government relative to these schools.

Mr. CARTER. The gentleman from Texas speaks of introducing a bill to abolish all nonreservation schools. I would like to ask what the purpose of his bill will be? Will it be to abolish them immediately or to abolish them as suggested by the Commissioner of Indian Affairs, a few schools at a time?

Mr. STEPHENS of Texas. I think the nonreservation In-

dian schools should be transferred to the State or Territory where they are situated. I think it should be placed in the discretion of the Secretary of the Interior to determine what schools are not needed for the education of the Indian children that are not citizens of the United States. Indians of full blood and others that are not citizens of the United States should be educated by this Government, and if there are any nonreservation schools where there is a majority of the students whose parents are citizens of the State, that school should be transferred to the State or Territory in which it is situated and become subject to the jurisdiction of that State and subject to its laws, just exactly as the mechanical and agricultural schools of the various States are now conducted and controlled.

Mr. CARTER. Has not the Secretary of the Interior that authority already without the introduction of a bill?

Mr. STEPHENS of Texas. I think not. I know of no such authority.

Mr. CARTER. Then, I will ask the gentleman from New York, the chairman of the committee [Mr. SHERMAN].

Mr. SHERMAN. No, Mr. Speaker, the Secretary of the Interior has no such authority as the gentleman from Oklahoma inquires about. The Secretary of the Interior was authorized, or the commissioner, I do not remember which, in the last Indian appropriation bill to investigate as to what nonreservation schools could be with advantage to the service dispensed with and to make report to Congress in reference thereto, and the commissioner has made a report in reference to certain schools, particularly one or two schools in Colorado, one school in South Dakota, and I have forgotten where the other schools are, which he says can be dispensed with. He has specifically made a report in reference to one school in Colorado, which should be dispensed with and turned over to the State of Colorado under terms which provide that the State will continue to maintain this school as a school not merely for Indians, but for white children, and that at that school at all times Indian pupils shall be educated without any charge against the National Government.

Now, I did not understand when the gentleman advocated the passage of this resolution of inquiry that he intended it for the purpose which he now says, because had I so understood it I would have asked the gentleman at that time to make the resolution broader in some respects, and to have eliminated from it certain provisions in reference to information which any of us can get by a little research. Now, a major part of the information asked for by this resolution any of us can get who have the industry to plow into the reports and hunt it up. I supposed the gentleman wanted it in order to advise himself in specific details in reference to this special school that are now covered by reports as, for instance, which pupils are the children of Indians who have become citizens. That, for instance, we have no way of ascertaining, nor is it in all cases shown in any report we can get, although the Indian Office could show it, to what tribe a particular pupil belongs. That is not printed; it is a matter of detail that is not of consequence for general use. But a large part of the matter which is contained in this resolution can be obtained by any of us from the regular reports. Now, as an entering wedge for the passage of a bill doing away with all nonreservation schools, I am not in sympathy with the gentleman at all. I do not believe in striking down all nonreservation schools, but I am in sympathy with the general proposition of the Commissioner of Indian Affairs to do away as rapidly as possible with most nonreservation schools, but I do think there are certain schools, for instance, to illustrate, that at Carlisle or Chilocco or Haskell, which should be maintained for a great many years yet to come for the education of certain pupils who show themselves especially apt along higher lines than the ordinary reservation schools educate them.

I do think we ought to maintain for some little time at least the manual training schools, and there is a manual training school as a part of the Haskell School and Hampton School where children are taught in the mechanical arts—girls and boys alike—such commonplace matters as how to laundry, how to make harness, how to shoe a horse, how to build a fence, and everything of that kind, and those divisions of those schools ought to continue, I think, for some little time. Of course that can not be taught by an ordinary day school on a reservation, and is not taught, but as for using this resolution as an entering wedge to do away entirely with the nonreservation schools I am not at all in sympathy with the gentleman's ultimate purpose.

Mr. STEPHENS of Texas. Would you have any objection to have the matter referred to the Commissioner of Indian Affairs and the Secretary of the Interior as to which schools should be abandoned, for instance.

Mr. SHERMAN. We have already done that in the last bill. If I may refresh the gentleman's memory, it says:

The Commissioner of Indian Affairs is hereby authorized, under the direction of the Secretary of the Interior, to ascertain whether and upon what terms it may be possible to dispense with any nonsectarian Indian schools which in his judgment are no longer of value to the Indian Service, and to report the result of his investigation to the next session of Congress.

Now, he has already made that report.

Mr. STEPHENS of Texas. The gentleman will note that does not provide anywhere that there shall be transferred to the State or Territory in which these Indians reside or provide any machinery whatever for taking care of these schools in the future. Those schools should be filled by both whites and Indians and the schools should progress right on where they have left off, and we should let the States and Territories take care of them and not the United States Government.

Mr. SHERMAN. This section in the last appropriation bill does not provide for making other than an investigation and report to Congress. It grants no authority to go as far as the gentleman suggests. What the gentleman suggests is, the moment the Indians become citizens by reason of accepting allotment the United States then withdraws the support for the continuance of their schools. Why, the gentleman knows, because we have been discussing it in the Indian Committee quite recently, we not only provide for the support of the Indian children after the parent becomes a citizen or has taken an allotment, but in the Indian bill for three or four years last past we provide especially for the education of thousands of white children in the Indian Territory, when there is no pretense that there is any Indian blood in them.

Mr. STEPHENS of Texas. That is not the general policy, however, for the rest of the United States outside of the Indian Territory.

Mr. SHERMAN. Oh, no; the general policy is to in no place foster ignorance, which is the mother of crime, but rather to aid the education of either Indians or whites in any way that we legally and constitutionally can. That is the general proposition.

Mr. STEPHENS of Texas. Then I will ask the gentleman this question: Would he have any objection to the passage of this resolution for the purpose of getting the information?

Mr. SHERMAN. I do not object to the passage of it at all, but I do object to the ultimate end that you are attempting to reach; and had I known that was the ultimate end I do not know that I should have so readily acquiesced in the passage of this resolution.

Mr. MANN. Will the gentleman yield for a question?

Mr. SHERMAN. Certainly.

Mr. MANN. There are now between 20 and 30 of these non-reservation schools?

Mr. SHERMAN. Yes.

Mr. MANN. I did not quite catch what the gentleman said about the report under the provision of the law.

Mr. SHERMAN. I said the commissioner had already made a report. It can be found in the document room. I said he had already negotiated with the state officers of Colorado for the disposal to that State of one or two of the school plants there under terms stated in his report, and I think I introduced a bill providing for the carrying out of that agreement.

Now, he also makes report as to one or two other Indian schools. I recollect one particularly in South Dakota. There are perhaps five or six altogether in his report.

Mr. MANN. What I wanted to inquire was whether he had made a report on each of these nonreservation schools or simply reported as to a portion of them?

Mr. SHERMAN. That is all; only as to a portion. The bill last year did not contemplate a report on all of them, but only on such as, in his judgment, could now be disposed of or dispensed with. That was the thought.

Mr. STEPHENS of Texas. Mr. Speaker, I ask for a vote on the resolution.

Mr. OLMSTED. I desire to be recognized, Mr. Speaker, if I may, in my own right.

The SPEAKER pro tempore. The gentleman from Texas [Mr. STEPHENS] is entitled to the floor.

Mr. STEPHENS of Texas. What time does the gentleman desire?

Mr. OLMSTED. Five or ten minutes.

Mr. STEPHENS of Texas. I yield to the gentleman ten minutes.

Mr. OLMSTED. Mr. Speaker, it is manifest from the very frank statement of the gentleman from Texas that the purpose of this resolution is one which does not appear upon its face. This is a simple resolution calling for certain information con-

cerning the training school at Shawnee, Okla. He states that the object of this information is to obtain a foundation for a bill to remove all nonreservation schools, including, of course, the one at Carlisle, in my district—to remove them all onto the reservations.

Mr. STEPHENS of Texas. Will the gentleman permit me?

Mr. OLMSTED. I should like to know, Mr. Speaker, how the determination of the sex of a teacher at Shawnee would affect the question of the removal or nonremoval of the school at Carlisle.

Mr. STEPHENS of Texas. Will the gentleman permit me a question?

Mr. OLMSTED. Yes.

Mr. STEPHENS of Texas. Carlisle is a thousand miles away from the Oklahoma reservations, and would it not cost the Government a great deal of money to transfer the students there?

Mr. OLMSTED. It costs less to educate them there than in other schools.

Mr. STEPHENS of Texas. I suppose nearly all of them are citizens of some State other than Pennsylvania, are they not? And the railroad fare must be paid by the Government?

Mr. OLMSTED. Yes.

Mr. STEPHENS of Texas. Now, why should not the State of Pennsylvania in connection with the United States run and control that school just as much as you do your agricultural and mechanical and other state schools? Have you not one of that kind in your State?

Mr. OLMSTED. We have all kinds of schools in Pennsylvania.

Mr. STEPHENS of Texas. Is not there at least one industrial school where the United States maintains an interest jointly with the State?

Mr. OLMSTED. I know of no such school.

Mr. STEPHENS of Texas. We have one in our State, and there is one in Virginia of that kind. Would the gentleman from Pennsylvania have any objection to his school at Carlisle being controlled the same as the white schools of his State and letting white scholars attend it also?

Mr. OLMSTED. I have no objection to white children being educated there. However, there is hardly room for any. It is full now of Indian pupils. The State of Pennsylvania already attends to the education of all white children.

Mr. STEPHENS of Texas. This idea would not injure Carlisle (the transfer of nonreservation schools to the State where they are situated), but would mix the white children of that State with the Indian students and educate them all together.

Mr. OLMSTED. Perhaps I do not understand the gentleman's idea, but he first stated that he proposed to remove all these Indian schools to the reservations.

That would not only injure the school at Carlisle, but other nonreservation schools. It would do away with them entirely.

Mr. STEPHENS of Texas. All the Indians of full blood and subject to the laws of the United States and belonging to some tribe, I would have educated with the tribe on the reservation where they live; but where they are citizens of some State, I would have the State or Territory where they live educate them.

Mr. OLMSTED. Well, that is a question that can be determined at any time by the House. We would not be assisted at all by this. We would not be assisted by any information called for by this resolution. It seeks to ascertain the names of the employees and the number and sex of the teachers of the Shawnee Training School and the cost of keeping the pupils. All that information any gentleman may get by referring to the printed report of the Commissioner of Indian Affairs. It gives the number of pupils enrolled, the annual attendance, the amount appropriated, the cost of the buildings—gives everything asked for here except, perhaps, the sex of the teacher, which seems to be not highly important in the determination of this great question. I submit, basing my reasons partly upon the reasons so well stated by the chairman of the Committee on Indian Affairs, that there is no necessity for the introduction or passage of this resolution. The information given the department under it would throw no new light on the subject, and could not possibly afford any basis for the removal of any other nonreservation school, and I feel very certain that the gentleman from Texas can obtain from the report published by the Commissioner of Indian Affairs all the information he desires as to this school. That report is exceedingly full and contains a vast amount of information as to all these schools.

Mr. STEPHENS of Texas. I move the previous question.

The question was taken, and the previous question was ordered.

The SPEAKER pro tempore. The question is on the adoption of the resolution.

The question was taken, and the Speaker pro tempore announced that the ayes seemed to have it.

Mr. OLMSTED. I ask for a division, Mr. Speaker.

The House divided, and there were—ayes 77, noes 7.

So the resolution was agreed to.

CITIZENSHIP TO PORTO RICANS.

Mr. COOPER of Wisconsin (when the Committee on Insular Affairs was called). Mr. Speaker, I call up the bill reported from the Committee on Insular Affairs, which I send to the Clerk's desk.

The SPEAKER pro tempore. The gentleman calls up the following bill, which the Clerk will report. [After a pause.] The Chair has not read the bill, but is informed it incurs a charge against the Government. The bill is on the Union Calendar, and of course can not be called up on a call of the committees.

Mr. COOPER of Wisconsin. Has the Speaker the bill that I sent up?

The SPEAKER pro tempore. Only bills that are on the House Calendar can be called up under the call of committees. This bill is on the Union Calendar.

MILITARY ORDERS AND DECREES RELATING TO PORTO RICO.

Mr. PARSONS. Mr. Speaker, I call up House resolution 303, reported by the Committee on Insular Affairs and on the House Calendar.

The resolution was read, as follows:

House resolution 303.

Resolved, That the Secretary of War be, and he is hereby, requested to transmit to the House of Representatives for its information the laws and ordinances of Porto Rico and the military orders and decrees affecting Porto Rico referred to in section 8 of the act approved April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

Mr. PARSONS. Mr. Speaker, under the Foraker Act the military orders and decrees and the laws and the ordinances of Porto Rico are made part of the fundamental laws of Porto Rico. They are out of print, and the object of this resolution is to have the War Department transmit them here, so that a new edition can be printed for the convenience of the many that have to look them up.

Mr. MANN. Mr. Speaker, if the gentleman will yield.

Mr. PARSONS. Certainly.

Mr. MANN. These military orders and decrees, if they transmit them here, will only make them public here. There will not be printed more than "the usual number." The War Department will not have a copy it can use; the governor of Porto Rico would have no copy. There would be no copies to send out; but the only copies printed in any case, if printed at all, would be the "usual number," which is one for each Member of the House. If the gentleman wants to have them, why does he not follow the usual course and introduce a resolution to have them printed?

Mr. PARSONS. We will take them this way first.

Mr. MANN. They have been here. They were sent to Congress.

Mr. OLMSTED. They are now in force?

Mr. MANN. I do not think there is any objection at all to having it. They have all been published in a volume. They are not the military orders and decrees now, but only those issued prior to the passage of the Foraker Act, as I understand it.

Mr. PARSONS. That is correct.

Mr. MANN. I would like to see the gentleman accomplish his purpose, but I do not think he will by this resolution.

Mr. PARSONS. Well, let us have it our way this time, and then if we find that does not do we can try it yours. At the time they are transmitted here we can pass another resolution providing for their disposition in another manner. The department is entirely out of them, and has no copies except the copy the department keeps for its own use.

Mr. GAINES of Tennessee. I would like to ask the gentleman from New York a question about this matter. I would like to ask him why they want these copies.

Mr. PARSONS. Anyone who wants to know what the law of Porto Rico is upon any particular point in any particular case would have to have these orders and decrees before him.

Mr. GAINES of Tennessee. Has the gentleman many requests of that nature?

Mr. PARSONS. I have had a few requests, and know that they would be of service to the members of the Committee on Insular Affairs.

Mr. OLMSTED. To be used by members of that committee

and Members of the House that wanted to pass upon any measure that came from that committee.

Mr. MANN. The Committee on Insular Affairs certainly has copies of the original papers which are necessary for the consideration of matters coming before the Committee on Insular Affairs. I know if it were a matter which affected the committee of which I am a member we would not only have copies for the committee, but for each member of the committee.

Mr. GAINES of Tennessee. How many copies does the gentleman propose to have printed?

Mr. PARSONS. The "usual number."

Mr. GAINES of Tennessee. I should like to ask the gentleman, What do we want with the military laws of Porto Rico if they have civil laws there?

Mr. PARSONS. Because, under the Foraker Act, the military orders and decrees were made a part of the fundamental law of the land, and we can not find out what the fundamental law of the land is on any particular point unless we know what those military orders and decrees were.

Mr. GAINES of Tennessee. How long have we had a civil government in Porto Rico?

Mr. PARSONS. The gentleman knows as well as I—ever since 1899.

Mr. MANN. April 12, 1900.

Mr. GAINES of Tennessee. And the Committee on Insular Affairs wants the military laws, although we have a civil government down there.

Mr. PARSONS. We have all the laws of Porto Rico except these.

Mr. GAINES of Tennessee. How much will it cost to print these military laws?

Mr. PARSONS. I do not know.

The SPEAKER. The question is on agreeing to the resolution.

The question being taken, on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 43, noes 44.

Mr. PARSONS. I demand tellers.

Tellers were ordered, and the Speaker appointed Mr. PARSONS and Mr. GAINES of Tennessee.

The House again divided and the tellers reported—ayes 68, noes 47.

Accordingly the resolution was agreed to.

CITIZENSHIP OF PORTO RICO.

Mr. COOPER of Wisconsin. Mr. Speaker, I make the point of order that the bill (H. R. 393) providing that the inhabitants of Porto Rico shall be citizens of the United States is improperly on the Union Calendar, and I move that it be transferred to the House Calendar.

The SPEAKER. The Chair understands the gentleman to make the point of order that the bill (H. R. 393) is improperly on the Union Calendar and should be on the House Calendar.

Mr. COOPER of Wisconsin. Yes.

The SPEAKER. The Chair sustains the point of order, and directs that the bill be transferred to the House Calendar.

Mr. COOPER of Wisconsin. Mr. Speaker, I ask unanimous consent to return to the consideration of this bill.

The SPEAKER. The call rests with the Committee on Insular Affairs.

Mr. COOPER of Wisconsin. I call up the bill (H. R. 393).

The SPEAKER. The gentleman from Wisconsin calls up the following bill, which has just been transferred from the Union Calendar to the House Calendar.

Mr. MANN. How was it transferred?

The SPEAKER. It has just been transferred on a point of order. It was on the Union Calendar, and has just been transferred to the House Calendar, and the gentleman from Wisconsin now calls up the bill.

Mr. MANN. I make the point of order that he can not now call up the bill. I did not understand that it had been transferred.

The SPEAKER. The gentleman from Wisconsin made the point of order that the bill was improperly on the Union Calendar. On examining the bill it seems to the Speaker that the point of order is well taken, and the Chair has just ordered the bill to be transferred from the Union Calendar to the House Calendar.

Mr. MANN. My recollection is that it is not in order to transfer a bill from the Union Calendar to the House Calendar and then immediately take it up on the call of committee.

The SPEAKER. Does the gentleman make that point?

Mr. MANN. I make that point of order.

The SPEAKER. The recollection of the Chair is that the rule and the practice is that it shall not be in order to call up a bill on the same day that the transfer is made, or until it has been printed upon the calendar on which it has been placed, the idea being that the House should have notice of the transfer

by the actual transfer and its appearance upon the proper calendar.

Mr. MANN. And that has been the uniform practice, I think, so that the rights of the House may be protected.

The SPEAKER. The point of order is made, and the Chair will sustain it, that it is not subject to the call until it is in fact printed upon its proper calendar, the object being that the House shall have notice.

Mr. OLMSTED. Mr. Speaker, I understood the gentleman from Wisconsin to ask unanimous consent that it be called up now.

Mr. COOPER of Wisconsin. That was my first request.

The SPEAKER. The gentleman asks unanimous consent that the bill referred to may be considered at this time. Is there objection?

Mr. MANN. Reserving the right to object, I would like to ask the gentleman if he does not think we ought to have an opportunity of knowing that the bill is likely to be brought up? This is a very important proposition.

Mr. COOPER of Wisconsin. Mr. Speaker, in reply to the gentleman from Illinois, I quote from the Republican platform of this year:

We believe that the native inhabitants of Porto Rico should be at once collectively made citizens of the United States, and that all others properly qualified under existing laws residing in said island should have the privilege of becoming naturalized.

You had the whole campaign in which to consider it. We have advocated it on the stump and we have promised the people that if we were given the opportunity we would pass a law to put that into effect. I do not know why there should be any necessity for delay.

Mr. MANN. Well, Mr. Speaker, I have as much respect for the Republican platform as has the gentleman from Wisconsin. [Laughter.] I think the matter ought to be delayed for the present, and I object.

DENTAL SURGEONS FOR THE NAVY.

Mr. DAWSON. Mr. Speaker—

The SPEAKER. For what purpose does the gentleman rise?

Mr. DAWSON. For the purpose of moving that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 16620.

The SPEAKER. On the Union Calendar?

Mr. DAWSON. Yes.

The SPEAKER. The gentleman from Iowa moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill of which the Clerk will read the title.

The Clerk read as follows:

H. R. 16620, authorizing the appointment of dental surgeons in the navy.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. CAPRON in the chair.

The CHAIRMAN. The House is now in Committee of the Whole House on the state of the Union for the consideration of the bill which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint dental surgeons to serve the officers and enlisted men of the Navy and Marine Corps, not to exceed 30 in all. Said dental surgeons shall be attached to the Medical Department of the Navy; shall have the rank and compensation of acting assistant surgeons in the navy; shall be graduates of standard dental colleges, trained in the several branches of dentistry: within the age limits of 24 and 35 years; of good moral character and professional standing, and shall pass a physical and professional examination; and their appointments shall be for a term of years and revocable at the pleasure of the President: *Provided*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

Mr. DAWSON. Mr. Chairman, the terms of this bill fully explain its purpose and its scope. It simply provides for the appointment of 30 dental surgeons in the navy, with the rank and compensation of an acting assistant surgeon. I might say that the naval service is now without any dental corps such as the army has, and this bill simply seeks to provide a corps in the navy analogous and similar to the one which is now a part of the army organization.

By the terms of this bill these dentists are appointed for a period of years, for such period as the President of the United States may determine, and the appointments are revocable at his pleasure. The bill does not carry the right either of promotion or of age-retirement pay.

The subject of creating a dental corps in the navy is one that has been long and patiently considered by the Committee on Naval Affairs, and has several times been favorably reported to the House, both in appropriation bills and in independent

measures. The department is very urgent in its recommendation of the need of such a corps in that service, and I believe it will appeal to the House that such a corps is an essential and a necessity in the naval service. This particular bill has the cordial indorsement of the Secretary of the Navy. In a letter to the chairman of the Naval Committee under date of March 3, 1908, the then Secretary of the Navy recommends the passage of this bill in the following words:

Attention is invited to the bill (H. R. 16620) authorizing the appointment of dental surgeons in the navy, the provisions of which are in line with the department's views on the subject.

For many years the Surgeon-General of the Navy, in his annual report, has pointed out the great need of such a corps in that service. It seems to me it would not be out of place to quote briefly from the report the Surgeon-General of the Navy made last year, in which he says:

Like the eyes, the teeth are coming properly to be regarded as intimately and widely associated with the various organs and functions of the body, and that defective teeth may be responsible for much ill health is recognized by all who keep in touch with the accumulating truths of medical science. The naval surgeon is alert to detect dental disorders early, lest an aggravation of them produce grave illness. He, however, has not that special knowledge required to fit him to cope with diseased teeth in a final manner. He can and often does put in temporary fillings and treats the medical and surgical complications incident to dental disorders and often extracts such teeth as are not worth preserving, but naval surgeons are not expected to deal with dental disorders in a radical manner. The practice of dentistry requires a special education and training.

The teeth and the mouth are indubitably important factors in the causation of certain diseases of bacterial origin. This is not a hypothetical conclusion, for it has been proven beyond doubt that not only are bacteria found in great numbers in uncared for and neglected mouths, but their disease-producing properties are greatly increased, particularly in and about decayed teeth. Much of the tonsillitis and pharyngitis in the navy can undoubtedly be traced to bad teeth, as can also deranged digestion and general physical deterioration. In this connection it is not improbable that the teeth are an important contributory factor in tuberculosis by producing a state of lessened resistance to the disease by the constant absorption of poisonous matter.

In thus indicating the prominent reasons for the navy's need of proper dental services, it may be added that a bad tooth may occasionally give rise to serious complications which may even endanger life.

Surg. W. H. Bell, writing from Camp Elliott, on the Isthmus of Panama, says:

"During February (1905) a problem presented which gave us considerable worry, as there appeared no immediate solution. It concerned some very necessary dental work, which 35 or 40 of the command required to have done. Quarantine was then in force against Panama on account of yellow fever, and that fact, therefore, excluded us from the possibility of sending our men there for dental services, and as there was no dentist in Colon or anywhere else along the line the problem became a difficult one. We tried in vain to persuade one or the other of the American dentists on the Isthmus to come to camp with his outfit, and the only other resort was a native dentist, whose work, as far as it came under our observation, was so inferior that we hesitated to employ his services, but even he finally would not come. It was an experience which forcibly indicated the need of dental surgeons in the service. The end of the whole matter was the detachment of most of the men without having received any but palliative treatment and their transfer to Santo Domingo, where their chance for needed attention was, if possible, worse."

This quotation is only one of many similar reports from the various naval stations and ships, and with reference to our extensive service in equatorial latitudes it is to be pointed out that teeth deteriorate with particular rapidity in the Tropics. The importance of having skilled dentistry within the reach of those on duty in the outlying and isolated stations is evident, and at the large stations, where recruits are assembled and apprentices are trained, the value of the service of such professional attention is of no less moment.

Dental surgeons are needed in the navy quite as much as, if not more than, in the army, which service enjoys free treatment by dentists employed in accordance with law, and it seems an unjust discrimination against the enlisted men of the navy not to provide for similar dental work, especially in view of the universally recognized economic importance of sound teeth in military service.

A similar bill was favorably reported to the House in the first session of the Fifty-ninth Congress by my colleague from Iowa [Mr. COUSINS], who was formerly a member of the Naval Committee (H. Rept. No. 2181), and I desire to insert this report in the RECORD:

The Committee on Naval Affairs, having had under consideration the bill (H. R. 13851) authorizing the appointment of dental surgeons in the navy, report the same without amendment and recommend its passage.

A bill substantially the same as this was recommended by the Navy Department in the following letter:

NAVY DEPARTMENT,
Washington, March 2, 1904.

SIR: Referring to the department's letters of May 29, 1902, January 26 and February 8, 1904, reporting upon bills for the employment of dental surgeons in the navy, and recommending the enactment of a measure authorizing the Secretary of the Navy to employ, under contract, not more than 15 such surgeons, I have the honor to state that after further consideration of the matter the department withdraws its previous recommendations in the premises and recommends instead the passage of the measure of which a draft is inclosed. The main points of difference between the bill heretofore suggested and that now proposed are that the latter authorizes 30 instead of 15 dental surgeons and provides that they shall have the rank and pay of acting assistant surgeons instead of being employed under contract at not to exceed \$1,800 per annum.

Acting assistant surgeons, of whom 25 were authorized by the act of May 4, 1898 (30 Stat. 380), to be appointed by the President for temporary service, have the rank of assistant surgeons and receive the pay

provided for the latter by section 1556 of the Revised Statutes, namely: During the first five years after date of appointment, when at sea, \$1,700; on shore duty, \$1,400; on leave or waiting orders, \$1,000; after five years from such date, when at sea, \$1,900; on shore duty, \$1,600; on leave or waiting orders, \$1,200.

Very respectfully,

W. H. MOODY, *Secretary.*

HON. EUGENE HALE,
Chairman Committee on Naval Affairs, United States Senate.

At present there is no provision of law under which the department can employ dental surgeons except one for service at the Naval Academy.

Surgeon-General Rixey informs this committee that the dental operations performed by the hospital stewards "are limited to simple procedures and urgent cases," that "this arrangement is a makeshift unsatisfactory to the bureau," that "the necessity of the care of the teeth of the enlisted men existed and its importance to the health of the navy is appreciated," and therefore this makeshift was resorted to "until legislation could be obtained giving advantages to the enlisted men of the navy similar to those which the army has had for several years."

To show the estimate of the importance and value of the service rendered by the dentists in the United States Army the Surgeon-General submitted copies of reports of army officers, from which we quote the following extract from the report of the Surgeon-General of the United States Army:

The energies and resources of the Dental Corps have been taxed to their fullest extent in caring for those officers and enlisted men who have sought their services for the relief of suffering, and this has made it necessary in some instances for the dental surgeons to operate daily from 8 a. m. to 5 or 6 p. m. The great amount of service that has been rendered by the dental surgeons could not have been accomplished but for these long hours of work and the assistance accorded them through the extra details of members of the Hospital Corps.

The tabulation of diseases and injuries of the mouth and jaws, of the teeth and gums, and of operations and treatment which follow shows that a large part of the time and skill of the dental surgeons was expended in giving relief from the suffering caused by dental caries, pulpitis, periodontitis, alveolar abscess, pyorrhea alveolaris, and gingivitis. The comparatively large number of teeth extracted is due to the great prevalence of dental caries of a severe type among the enlisted men who are serving or have served in Cuba, Porto Rico, or the Philippines.

The services of the dental surgeons have been highly appreciated by the officers and enlisted men of the Regular and Volunteer armies, and have proved very satisfactory to the Medical Department, because they have been able to relieve a great amount of acute suffering and to conserve a large number of teeth and restore them to a healthy condition, thus almost immediately returning to duty many cases that were previously carried for several days upon the company's sick report. This has resulted in greatly reducing the loss of valuable time to the service.

[Extract from the Surgeon-General's indorsement of Senate bill 5420.]

The dental surgeons appointed in accordance with the act of February 2, 1901, are rendering excellent service, and their services are highly appreciated by the officers and enlisted men of the army, especially in the Philippines and at the large military posts in the United States. A larger number could be utilized to good advantage, and the permanent retention of dental surgeons as part of the military establishment will, in my opinion, be in interest of the service.

[Extract from the report of General Grant, Department of Texas.]
DENTAL SURGEONS.

In my opinion, after careful investigation, the principal needs of the service, with respect to dental surgeons, are: First, more dental surgeons; second, a suitable operating room at each post; third, some positive and practicable methods compelling enlisted men to give proper attention to personal care of the teeth. I believe that there should be three dental surgeons assigned to this department, if possible, but not less than two under any circumstances. It is well known that the Philippine climate has a deleterious effect upon teeth, and every regiment, before being sent to the Philippines, should have careful attention given to dental requirements, while those regiments returning should be no less carefully attended to in this regard.

[Extract from a letter from Col. Marion P. Maus, U. S. Army.]

HEADQUARTERS TWENTIETH U. S. INFANTRY,
Malate Barracks, Manila, P. I., May 20, 1904.

THE MILITARY SECRETARY,
War Department, Washington, D. C.
(Through military channels.)

SIR: I have the honor to invite attention to the importance of dentists in the army, especially at remote stations, in order that officers and enlisted men may have proper treatment.

While in command at Camp Marahui, Mindanao, certain officers, including myself, and a number of enlisted men suffered very much from the want of such service. Later, however, a dentist was provided, and great relief and benefit were realized.

There are times when the services of a dentist are as necessary as that of an army surgeon. From my experience in the service, including all parts of the United States and dependencies, I can testify to the importance of this branch of the service and to much suffering from the want of it.

It would, perhaps, be desirable to have dental surgeons assigned to certain regiments in the same way as chaplains.

I have the honor to be, very respectfully, your obedient servant,

MARION P. MAUS,
Colonel Twentieth U. S. Infantry, Commanding.

There exists in the navy as much, if not more, urgent need of the service of dental surgeons than exists in the army, and quite as potent reasons, both humane and economic, for supplying the need. First, because of the early age at which a large percentage enter the naval service; second, because of the longer periods those at sea are inaccessible to competent dentists.

The apprentice boys in training schools and on ships, who February 1, 1904, numbered 4,519, are taken in the service when the care of the dental surgeon is necessary to protect them from the effects of dental

disorders, which either immediately or later, in the absence of such care, affect for life their general health, comfort, longevity, and efficiency.

The Government assumes, in a sense, the guardianship of these boys when it receives them for life service in the navy, therefore for humane reasons nothing so vitally affecting their health and comfort should be neglected.

The attention of this committee was called to charts made by a doctor of medicine and dental surgery, employed as a hospital steward in the naval service, which show the condition of the mouths and teeth of 50 boys now, or recently, in training at the naval training station at Newport. One apprentice, but 16 years of age, had lost every one of the teeth from his upper jaw; another, aged 18 years, exhibited cavities in his 14 upper teeth; another, aged 16 years, had lost practically all of his molar teeth, and the few remaining teeth were imperfect; another, aged 17 years, had lost 7 teeth; and another, aged 18 years, had lost 7 molar teeth. Several others of the 50 cases from 16 to 18 years of age had lost from 3 to 6 teeth. It was said of these cases, in general, that they presented either ordinary cavities of decay; dead teeth; inflamed gums; chronic abscesses discharging pus in the mouth; pus-producing diseases of the teeth, gums, and underlying bone, or germ-laden foreign matter in contact with the gums and teeth. Such conditions cause gastric and intestinal disorders, impair vitality, and make one more susceptible to infectious diseases. Experts in dentistry inform us that, under present conditions, a large percentage of the cases exhibited from this one station must inevitably lose their teeth at an early age, which may render them pensionable under existing law.

There are no available statistics showing the conditions throughout the navy, but the general condition is probably well illustrated by the reports from two vessels, covering in each instance a period of one year, which, summarized, are as follows:

[From the U. S. receiving ship *Wabash*.]

The hospital steward detailed to dental service:

Restored by filling, crowning, etc.	teeth	990
Treatment for various diseases	do	502
Extracted	do	92
Simple, chronic, and ulcerated conditions of gums treated	cases	227
Diseased nerves of teeth treated	do	165
Dead teeth treated and filled	do	110

[United States hospital ship.]

I was employed for twelve months by special agreement with the Navy Department to service as a dental surgeon for the officers and enlisted men of the U. S. S. *Yosemite*, and during that time more than 75 per cent of the officers and enlisted men required and received dental service at my hands. Many of the cases were of a more or less serious character, and not a few of them had resulted from incompetent dental service rendered by men who were not educated to dentistry. No class of men are so helplessly in need of skilled dentistry as the men of the United States Navy. I did dental work both while the ship was at anchor in the harbor and while at sea.

ARTHUR R. BENNETT, D. D. S.

As dental conditions in the navy probably differ from those in the army only by reason of the earlier age at enlistment and the longer period of service in the former, we quote from three physicians experienced in army medical service as follows:

[Thomas S. Latimer, M. D.]

There can be no doubt that many soldiers were as effectually disabled by toothache, facial neuralgia, and other ailments, oral and gastric, due to lack of proper treatment, as from any other form of sickness or from gunshot wounds.

Precisely as the exhaustion, exposure, and unsuitability of food incident to an active campaign is the need of good masticatory organs. These being neglected or improperly treated, scurvy, dyspepsia, dysentery, and diarrhea are prone to ensue.

Nor is there any disability from any injury or sickness, even where not directly connected with imperfect mastication, that is not more protracted when mouth complications exist.

I need scarcely say that no ailments occasion greater suffering than toothache and neuralgia arising from decayed teeth. Nor are any more susceptible of prompt and complete relief under proper management. I may add that the regimental surgeon is incompetent to render the service required.

[Thomas Ople, M. D.]

That the health, strength, longevity, and courage of the soldier depend in large measure upon his powers of mastication can not be questioned. The dental specialist is best equipped for dealing with these lesions of the teeth, and surely the man who fights his country's battles has the right to claim the comfort and health which accrues from their being in perfect order.

[W. O. Owens, M. D.]

For seven years I have been giving especial attention to the diseases of the mouth and teeth because of their influence on the general health. During the time in which I was in charge of Corregidor hospital about 300 soldiers, more or less disabled by dental disorders, were under treatment. I recall one case in particular, a diarrheal trouble of several months' standing, which resisted treatment until placed under the care of a dentist, whose treatment, directed to the mouth alone, effected a cure and the restoration of the soldier to active duty in two weeks. There were 15 or 20 similar cases, known as pyorrhea of the sockets of the teeth, with pus bathing the teeth, mixing with food, and entering therewith the alimentary tract. Neglected, such cases cause a pensionable disability.

When men are kept at sea continuously for a considerable time or located at remote stations where dental surgeons are inaccessible, it seems to us an inexcusable hardship, and the neglect of proper treatment for the teeth may ultimately result in great expense through pensions, besides the inhumanity and suffering which necessarily occurs in the absence of prompt and scientific treatment of the teeth when needed. The charts or diagrams of some 50 or more particular cases represented to this committee from a single station at Newport, R. I., is ample proof of conditions which ought not to exist.

We therefore recommend that House bill 13851 be enacted.

It seems to me, Mr. Chairman, that the need of this corps is so self-evident, the navy now being utterly without service of this character, that unless some gentleman desires to ask some question in regard to the bill I will yield the floor and reserve the balance of my time.

Mr. GILLESPIE. I would like to ask the gentleman a question.

Mr. DAWSON. I will yield to the gentleman from Texas.

Mr. GILLESPIE. What is the maximum age limit for these dentists? I understood the reading of the bill to be 35 years.

Mr. DAWSON. The age limit is 24 to 35 years.

Mr. GILLESPIE. What is the necessity of putting that limit so low as 35 years?

Mr. DAWSON. This is a service where the members of it may be sent to sea, and we should have comparatively young men for the service.

Mr. GILLESPIE. I want to express my protest against the Oslerism contained in the bill, that a man over 35 years of age, although he possesses all the qualifications, mental and physical, and stands the examination, yet, because he is over 35 years of age, he shall be turned down.

Mr. DAWSON. That is simply the entrance qualification, the gentleman should understand.

It is not necessary for a man to get out of the service when he reaches the age of 35. That is simply the age limit at entering.

Mr. GILLESPIE. That is what I am speaking of. I do not believe the entrance bars ought to be put up against him simply because he is over 35 years of age.

Mr. DAWSON. I will state to the gentleman that, in my opinion, a dentist who has passed the age of 35 years and who is not receiving an income above that provided in this bill is not the kind of a dentist that we want in the navy.

Mr. OLMSTED. Then, may I ask the gentleman if he thinks any dentist not receiving that income is qualified?

Mr. DAWSON. Not necessarily.

Mr. OLMSTED. In the absence of the gentleman from Massachusetts [Mr. GILLET], I would like to inquire further whether these dentists are to be appointed after competitive examination, or what examination they will undergo?

Mr. DAWSON. By the terms of the bill it is provided that they shall be graduates of standard dental colleges, trained in the several branches of dentistry, of good moral character and professional standing, and shall pass a professional examination.

Mr. OLMSTED. An examination by whom—the Civil Service Commission?

Mr. DAWSON. No; an examination which is prescribed by the Medical Department of the navy.

Mr. OLMSTED. A young man of 24 would not be very greatly trained.

Mr. DAWSON. No; but the gentleman will recognize that some age limit must be fixed.

Mr. OLMSTED. I agree that the maximum ought to be raised a little above 35 or else the aching teeth of the navy may find themselves in worse condition after this treatment proposed than they are now.

Mr. DAWSON. I think not, after these dentists have passed the examination which the Surgeon-General of the Navy will prescribe for entrance.

Mr. GAINES of Tennessee. Mr. Chairman, I want to ask the gentleman a question. I want to know why the word "acting," in line 8, is used—acting assistant surgeons? What is the significance of that in military law and military society, and so forth? Are these dental surgeons to be more or less ostracized in military and naval society, on the ships and on the land and otherwise, because they are "acting" surgeons?

Mr. DAWSON. Our committee has not endeavored to deal with the social phase of these dentists—

Mr. GAINES of Tennessee. I want to know what the committee means.

Mr. DAWSON. Nor the social status of them. That is a rank in the navy—acting assistant surgeon and assistant surgeon. The rank carries the pay.

Mr. GAINES of Tennessee. But I am afraid it does not carry much of anything else that is social. I fear this and I want to know exactly what we are doing before we do it. I was working for dental surgeons in the army and navy probably before the gentleman came to Congress, and I am glad to know that he has brought a bill in on this subject. I really have heard, and hence I am inquiring, that an "acting" surgeon in the army is not treated with that social deference that the gentleman who is "acting" is entitled to receive, and I want to know what the gentleman knows about that, and I want to know the significance of the term "acting" as here used.

Mr. DAWSON. Under this bill these dentists would be on the same footing as the acting assistant surgeons of the navy now and in other branches of the Medical Corps. It did not seem to our committee to be important to the seaman who had an aching tooth as to what the social status of the dentist might be.

Mr. GAINES of Tennessee. Yes; and he might go and pull all the teeth out of a man's head and save his life, and yet go to a military or navy entertainment that night, and because he did not have epaulettes along his horse's mane he is ostracized. [Laughter.] He is "looked down on." I want you to make a law here, and I want him, if he is a dental surgeon, and a gentleman also, to have a status that will give him that to which he is entitled to have in military and civil life.

Mr. MANN. Plenty of gilt.

Mr. DAWSON. I am sure my friend from Tennessee is a higher authority on social matters than I am.

Mr. GAINES of Tennessee. Well, I am an authority on common sense and justice on land and sea both. [Laughter.]

Mr. DAWSON. I appreciate that also, and I will say to my friend from Tennessee that these dentists would have the same status and the same amount of gold braid, I assume, that any other acting assistant surgeon in the navy would have. I am sure it is not the desire of the gentleman from Tennessee to place these dental surgeons above the other acting assistant surgeons in the navy.

Mr. GAINES of Tennessee. Not at all; but a little prefix to a name goes a long way sometimes, and a little suffix, too, I regret to say.

Mr. MANN. Will the gentleman from Iowa yield to me in order that I may have the gentleman from Tennessee answer a question?

Mr. DAWSON. Certainly.

Mr. MANN. It has been suggested to me by the gentleman from Kentucky [Mr. OLLIE M. JAMES], whether the gentleman really believes that any dentist who would pull all the teeth out of a man's head at one time is entitled to any courtesies at any time.

Mr. GAINES of Tennessee. I do; and I have seen men's lives saved, and I have seen men with no teeth who were as much of a gentleman as is my distinguished and delightful friend from Illinois. What objection would the gentleman from Iowa have to striking out the word "four," in line 10, and instead of having the minimum age limit 24, making it 20, because I know, and the gentleman knows, that we have many excellent dentists graduated in this country at the age of 20. I knew splendid dentists at the age of 18, who had not graduated, but who have since become famous in their profession. I really fear the minimum at 24 is too high. Let us say 20.

Why, we graduate a multitude of magnificent dentists in the city of Nashville, at the Vanderbilt and Nashville universities, and doubtless in your State, who are as capable at 20 years as at 24, because they are capable to start with, and they have had all this cultivation for three years at those great schools. When I attended a medical college and graduated, I only attended it for two years, and I think I am somewhat an authority on the subject.

Mr. BATES. I would like to ask the gentleman from Tennessee if he regards a man as a capable dentist to take care of the teeth of the navy of the United States who knows nothing but merely the narrow confines of dental surgery?

Mr. GAINES of Tennessee. A man can not graduate in dentistry if he does not know all about a man's mouth and head.

Mr. BATES. He should know the anatomy of the whole body.

Mr. GAINES of Tennessee. And, as a rule, he does.

Mr. BATES. He should know the nerves of both the head and the whole body. He should have, in other words, a thorough medical education before—

Mr. GAINES of Tennessee. I want to say that in the dental colleges, certainly in my section, when a man graduates in dentistry he graduates with the knowledge of nerves and the physiology of the whole human body and can, more or less, treat a man for general ailments. But I am not talking about that plan. I am talking about dentists graduated at a dental course—

Mr. DAWSON. Mr. Chairman, when the gentleman gets through asking the question I will be very glad to answer it. I fear if we lower the age limit we could not be able to comply with the terms of the bill, which states they—

Shall be graduates of standard dental colleges, trained in the several branches of dentistry.

Mr. GAINES of Tennessee. They are trained before graduating.

Mr. DAWSON. I do not believe the gentleman can assume a boy of 20 years is trained—

Mr. GAINES of Tennessee. Did the gentleman consider himself a boy at 20 when he was at college?

Mr. MANN. He did not then, but he does now.

Mr. GAINES of Tennessee. No; the gentleman thought himself a man.

Mr. DAWSON. The average boy does not consider he is a man until he is 21.

Mr. GAINES of Tennessee. He considers himself a man long before he comes to Congress.

Mr. DAWSON. Yes.

Mr. GAINES of Tennessee. Sometimes a man is highly entertained when he thinks to himself. Josh Billings, when asked why he talked to himself, said—

Mr. DAWSON. Mr. Chairman, I yielded to the gentleman from Tennessee for a question.

Mr. GAINES of Tennessee. We got into a very delightful colloquy, and I was going to tell what Josh Billings said. Josh Billings was asked why he talked to himself, and he said he did so for two good reasons: One was because he liked to hear a smart man talk and the other was because he liked to talk to a smart man. [Laughter.] Now, Mr. Chairman, I want—

Mr. DAWSON. It would be a great thing if Josh Billings's example was emulated in this House a little more.

Mr. GAINES of Tennessee. Mr. Chairman, that is one of the gentleman's "temporary fillings."

Mr. DAWSON. Mr. Chairman, I move to lay the bill aside with a favorable recommendation.

Mr. GAINES of Tennessee. Mr. Chairman, I want to be heard on the bill.

Mr. DAWSON. Then, Mr. Chairman, I reserve the balance of my time.

Mr. GAINES of Tennessee. Mr. Chairman, I have not the slightest doubt in the world but that this bill is a step in the right direction, and I shall vote for it even if not amended. For about ten years many of the dental colleges and dental associations throughout the United States have been trying to get this kind or some kind of legislation enacted, whereby dentists could be furnished the army and also the navy. Now, I will tell you something that I happen to almost know. Dr. J. Y. Crawford, of Nashville, Tenn., was the first man who mentioned the matter to me, just before or during the Spanish war. He is a distinguished dental surgeon of Nashville, Tenn. He has been three times elected president of the dental association, and they suspended its rules to elect him the third time. He is now one of the great dentists of the country and is an authority on that subject. While our troops were down at Chickamauga Park during the Spanish war he happened to go up to the camp; and just looking around, looking after the sick soldiers, as a doctor would do or any good citizen would do, what did he find? He found three or four soldiers who were in a collapsed condition suffering from their diseased teeth. He examined their teeth for them as a matter of charity and goodness and waited on them and did not charge them a cent. That brought the subject sharply to his attention, and he then brought it sharply to my attention, and I at once set to work in Congress to get some dental legislation for the army and possibly the navy. Subsequently, as you all know, dental legislation was adopted for the army, and you remember, I believe, we passed a bill introduced by the lamented Mr. Otey, a former Member of Congress, now deceased. The law has worked well. Now, I do not see why the navy should not have official dentists. As to whether it is the right kind of a bill or not, we are little prepared to say. We have never heard it discussed before or read it before. We did not know it was to come up. But rather than not have any bill, I am going to vote for it. But I believe it should be amended. I do not like the Oslerized proposition of 35 years. There are soldiers in the army to-day in the Philippines that are far more than 35 years.

Mr. DAWSON. Were they 35 years at the time of their entrance?

Mr. GAINES of Tennessee. There were some who went from Tennessee that fought in the Confederate army. I know one citizen of Tennessee to-day, the Hon. W. J. Whitthorne, a man who is as brave as Julius Caesar, who went almost at the head of his regiment. He returned with his regiment, emaciated, as others were, but he lives to honor his State and his name. His brother, W. C. Whitthorne, made such a good chairman of the Committee on Naval Affairs at one time that he was afterwards called "Admiral Whitthorne." The late President McKinley on a number of occasions spoke of this regiment in the highest terms. When this regiment started home, and was out on the sea, they heard the cannon of the enemy. The ship

was turned around and they went back and fought for the flag, and a lot of their graves are to-day in the Philippine Islands. That is the kind of stuff we send from Tennessee, to fight for the flag.

Talk about 35 years of age. Why, if I were a dentist they would shut me out, and shut out the gentleman from Iowa [Mr. DAWSON] in a few years. It would shut out a third of this House and nearly all of the Senate. Why, a dentist does not have to go out and expose himself to the weather. He is in a tent or in a house. He is well protected and should be. His instruments have to be. He has to have all sorts of anodynes and all sorts of delicate instruments with which to treat the nerves of the mouth with the tenderest care, as we all know. I do think the 35-year limit is too narrow, and I would like to know if there is any way to amend this bill, Mr. Chairman. Can I offer an amendment?

The CHAIRMAN. The bill will be read under the five-minute rule for amendment.

Mr. DAWSON. The time for amendment will come later.

Mr. GAINES of Tennessee. Now, Mr. Chairman, I thank the committee for this indulgence. I happen to know something about this subject, as you see, and something about the legislation we have had, and have made some practical observations that I hope will help pass the bill, amended or not amended.

Mr. MANN. Mr. Chairman, I understood my distinguished friend from Tennessee [Mr. GAINES] to say that they had no notice that such a bill would come up, did not know such a bill was pending, and hence was not prepared upon the bill.

There is no one in the House probably who is more active in watching legislation than the gentleman from Tennessee. The gentleman said we did not have notice of the bill, thereby including other Members than himself. This bill was reported into the House on March 13 last. I read the bill long ago. I am rather surprised that the gentleman from Tennessee had not noticed the bill. It was introduced on February 6 last. Prior to this bill there was a bill reported from this committee on March 3, 1905, and another bill on March 9, 1906, and before that time there had been a bill reported in 1904, and before that time in 1901. And my distinguished friend from Tennessee never caught on to the fact that these bills were pending in the House so that he might be prepared when it did come up.

Mr. GAINES of Tennessee. Were any of those bills debated or considered in the House?

Mr. MANN. Well, does the gentleman from Tennessee wait until a bill has been discussed in the House before he gets any information in regard to it?

Mr. GAINES of Tennessee. Do we know beforehand? Did you know beforehand?

Mr. MANN. Certainly I knew beforehand. I knew this bill might come up. I have had the bill on my desk, marked as to what ought to be done with it. The gentleman from Tennessee ought to be equally vigilant.

Mr. GAINES of Tennessee. But did the gentleman have anybody to help him look up these bills, and give him the information?

Mr. MANN. I have had no one to help me do that.

Mr. GAINES of Tennessee. I want to say, Mr. Chairman, that I believe the gentleman from Illinois is the most industrious man in Congress. I say it seriously; I want to pay him that compliment.

Mr. MANN. I am not as industrious as the gentleman from Tennessee. But we have, neither one of us, any right to complain that we are not familiar with the provisions of the bill so as to be prepared to offer an amendment if we wish to. This bill has been pushed for years, and it had been up for years before it was pushed.

Mr. OLMSTED. It has been on the Union Calendar for some time.

Mr. MANN. Now, Mr. Chairman, I would like to ask the gentleman for some assurance with reference to the future of these dental surgeons, if we may have them. The gentleman from Tennessee believes they ought to be, in the first place, put upon the same plane as other naval officers so far as the social side of life is concerned. That may be true; I doubt not that they will be before very long. But when we pass a bill of this kind—and I am in favor of passing this bill as it stands, without amendment—I would like to know what it will lead to, if I can find out, in the future. The bill provides for the appointment of not to exceed 30 dental surgeons, to have the rank and compensation of acting assistant surgeons in the navy. First, may I ask the gentleman from Iowa, What is the compensation of assistant surgeons of the navy?

Mr. DAWSON. I quote from a recent statement of the Secretary of the Navy. During the first five years after date of appointment an acting assistant surgeon, on leave or waiting

orders receives \$1,000 a year; on shore duty, \$1,400 a year, and on sea duty, \$1,700 a year.

Mr. MANN. And that increases 10 per cent every five years, I think.

Mr. DAWSON. They get the benefit of longevity.

Mr. OLMSTED. And they will finally be put on the retired list at three-fourths or full pay.

Mr. MANN. The gentleman said no, and I assume he is correct upon reading the bill; and yet there may be some doubt. "Shall have the rank and compensation of acting assistant surgeons in the navy." If the President should determine to appoint these dental surgeons for a term of forty or fifty years, which is very likely, when they have served that time they would be entitled to go on the retired list. I do not know that I have any objection to it. One thing is very certain in my mind; that long before that term will have expired, long before any of these dental surgeons would be allowed to go upon the retired list, we will be called upon to pass, and will have passed, a law conferring upon them precisely the same privileges, the same rank, the same power, the same retirement, that we have conferred upon surgeons of the navy. I take it that while this bill, in the first place, does not seek to do all this, it is a mere entering wedge in that respect.

Mr. DAWSON. Mr. Chairman, if the gentleman will permit me—

Mr. MANN. Yes; that is just what I am trying to get you to do.

Mr. DAWSON. I wish to say that the intent and purpose of the committee was to guard against the very thing which the gentleman speaks of, and he will observe in line 13 of the bill that these appointments are revocable at the pleasure of the President as the years go on.

Mr. MANN. Yes; and that is the case with the superannuated clerks in Washington. The gentleman and I are upon the Committee on Reform in the Civil Service, considering pensions for superannuated clerks. Their appointments are revocable. There is not one of them that may not be discharged to-morrow by the President; but will he discharge them? No. Would the gentleman discharge them if he were President? No. Would I discharge them? No.

Mr. DAWSON. And would any President of the United States appoint them for forty years? No.

Mr. MANN. Well, I am not so sure about that. I should say that there would be the same reason for making life appointments for dental surgeons in the navy as there would be for making life appointments for surgeons in the navy.

Mr. BATES. Are those gentlemen, of whom the gentleman from Illinois complains, bettering their condition as time goes on? Are these men appointed for a term of years, as it is contemplated that these acting assistant surgeons shall be appointed?

Mr. MANN. They are not.

Mr. BATES. I think that makes the distinction very clear, that if these men at the end of a term of ten or fifteen or twenty years are inefficient, they will be dropped and new men appointed.

Mr. MANN. Then, I call the attention of the gentleman to this proposition, suggested by his inquiry: Suppose the President appoints these naval surgeons for a period of ten years?

Mr. DAWSON. I should think the appointive term would probably be more likely to be four years than any other.

Mr. MANN. Assume it to be four years, then. I will take the gentleman's statement. If one of them is over 35 years old at the end of the four years, what shall be done with him? Shall he be hoisted out of the navy?

Mr. DAWSON. The thirty-five years limit is at the beginning; simply the entrance limit.

Mr. BATES. That is for his original appointment.

Mr. MANN. Not at all. The first appointment and the second appointment under this bill are on exactly the same terms. The first time a man is appointed postmaster he gets a commission and his term is four years. When his term expires, if he is reappointed, that is a new appointment ab initio.

Mr. OLMSTED. Under this bill if a man is over 35 he can not be appointed again.

Mr. MANN. It is ab initio, a new appointment entirely, and I call the attention of the gentleman to the fact that there is nothing in the bill which authorizes the President to reappoint the same person at the end of his first term if he is over 35 years of age, and the only way in which the President can avoid that is to make a long-term appointment. I shall not criticize him if he does that. I think if you have a good man as a dental surgeon in the navy, you had better keep him; but, plainly, in

the end he will ask to be put upon the retired list, and perhaps ought to be.

Mr. DAWSON. The Dental Corps in the Army of the United States was established some years ago. They have no retirement provision in that corps, and it was sought in this bill to place the naval corps upon the same footing.

Mr. MANN. I think the gentleman's committee is right about that at this time, and I would feel better if I could have the assurance of the committee that they were not going to bring in a bill changing it.

Mr. DAWSON. It was pointed out here, I think on yesterday, very distinctly and plainly by the gentleman from Illinois that the present Congress can not bind any future Congress.

Mr. MANN. That is true.

Mr. DAWSON. And of course he will appreciate the fact that one humble member of the Naval Committee could not bind the action of the future Naval Committees of this House.

Mr. MANN. That is true; but the gentleman can make a statement for himself. I have observed that.

Mr. DAWSON. Mr. Chairman, I move that the committee rise and report the bill back to the House with a favorable recommendation.

The CHAIRMAN. If there be no amendment—

Mr. GAINES of Tennessee. I want to offer some amendments.

The CHAIRMAN. The bill will now be read for amendment.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to appoint dental surgeons to serve the officers and enlisted men of the Navy and Marine Corps, not to exceed 30 in all. Said dental surgeons shall be attached to the Medical Department of the Navy; shall have the rank and compensation of acting assistant surgeons in the navy; shall be graduates of standard dental colleges, trained in the several branches of dentistry; within the age limits of 24 and 35 years; of good moral character and professional standing; and shall pass a physical and professional examination; and their appointment shall be for a term of years and revocable at the pleasure of the President: *Provided*, That the dentist now employed at the Naval Academy shall not be displaced by the operation of this act.

Mr. GAINES of Tennessee. Mr. Chairman, I offer an amendment, on line 10, to strike out the word "four" and insert the word "one," so that the age limit shall be 21 instead of 24 years for entrance.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 10, page 1, strike out "four" and insert "one."

Mr. MANN. I hope the gentleman will withdraw that amendment. I would not want a surgeon of 21 taking care of my teeth if they were in bad shape, and I do not think the gentleman from Tennessee would. I do not think we ought to put on board ship, away from where he can have consultation, away from where he can get in touch with another surgeon, a mere tyro, who can know but very little about the practical side of the work in which he is engaged. Twenty-four years is a young enough age limit for a man who may be put aboard ship in the South Sea or some other place a long way from home to take care of the teeth of our sailors.

Mr. GAINES of Tennessee. I fully appreciate what my friend says, but I wish to say to him that a young man 18 or 19 years old, not yet a voter, was the first man who ever practiced dentistry on me. In a few years he worked himself through college and graduated at the head of his class and was the medal man, and is now one of the finest dentists in the country.

Mr. MANN. He may be an exception; but we will not get exceptions in the navy.

Mr. GAINES of Tennessee. I mention this specific instance to show that the argument is not a sound one that a man has got to be 24 years old before he can become a dentist.

Mr. MANN. But the gentleman from Tennessee gives an exceptional case and not an average case.

Mr. GAINES of Tennessee. It is an actual case; and I want to say that the dental curriculum requires a man to give three years and the medical profession has raised it to four years.

Mr. DAWSON. The last statement of the gentleman from Tennessee only emphasizes the fact that the age limit ought not to be reduced below 24 years.

Mr. GAINES of Tennessee. Suppose he graduates at 21?

Mr. MANN. Then let him practice a little while.

Mr. DAWSON. This question of age limit was carefully considered by the committee. The minimum was placed as low as we thought it was safe to place it, and the maximum as high as the committee thought it ought to be placed, taking into account the nature of the service. It is not a service alone at a navy-yard or a shore station. It may be a service in the Tropics or points far distant. The committee considered that phase very

carefully and determined upon the ages of 24 and 35, and I believe the committee ought to be sustained.

Mr. BATES. Mr. Chairman, I hope the amendment offered by the gentleman from Tennessee will not prevail. He says, "Suppose the young man graduates at the age of 21." He ought not to graduate in a training school at the age of 21. If he is to be a well-rounded and well-educated man he ought to have a general education which shall precede the specific education. I believe there is a great deal of truth in the saying that the difference between a training school, like a law school or a dental school or a medical school, and that of general culture in the colleges is the difference that in the one a man is taught to earn his living and in the other he is taught how to live. Both of these teachings ought to be required in a case of this kind, where the young man is to be isolated from his home influences and go into the navy of the United States. He ought to be a well-rounded man, Mr. Chairman, and have some general culture and training such as the American colleges can give. He ought to know something more than simply where the molars are situated and where the specific nerves of the teeth should have treatment. He ought to have general education and then have this dental training; and no man, unless he is an exception to the general rule, can accomplish that before he reaches the age of 23 or 24. In addition to that, Mr. Chairman, he ought to have a little practice, to begin with. He ought to have some general experience or hospital training before he launches out into this career. I hope the amendment of the gentleman from Tennessee will be voted down.

Mr. GAINES of Tennessee. Mr. Chairman, in reply to what the gentleman has just said, I want to say that from the time a dental student enters the dental college he is doing practical work in dentistry. He is doing it day in and day out, and before he graduates he has to stand an examination in practical dentistry. He is not allowed to graduate until he takes that examination. He is not allowed simply to read books and quote what this great doctor has done or what the other great doctor has done and simply to know a little about anatomy; he is required to work day in and day out and graduate in the practical work of dentistry. He can not make a good dentist unless he is a good anatomist, and vice versa.

They do not graduate dentists now and give them a commission to go out and invade people's mouths, who are not practical surgeons when they go out. It is not like the old story you have heard about the dentist who went out with his hammer and pair of tongs as long as your arm, but now he must be a scientific surgeon when he leaves the great dental colleges of this country, even if he graduates at 16. Why, Mr. Chairman, Story was on the bench when he was a younger man than is the gentleman from Pennsylvania, and the gentleman from Pennsylvania is a fairly good lawyer and of course he has quoted Story time and again.

Now, I say that the young man who has graduated at our great dental universities is a skilled surgeon when he graduates. He is skilled in the general knowledge of the dental business; he is skilled in the practical knowledge, and goes out into the world a full-fledged, scientific, and practical surgeon, capable of attending to anybody's needs, whether he is on land or on sea.

Why, Mr. Chairman, I happen to know something about this. I live, unlike the gentleman from Pennsylvania, in a city that is studded with colleges, male and female, black and white. [Laughter.]

Mr. BATES. Mr. Chairman, I want to ask the gentleman if he lives in a city, as I do, where there is a theological seminary—

Mr. GAINES of Tennessee. I do; and they do us more good, I have no doubt, than they do the people of the gentleman's city. [Laughter.]

Mr. BATES. And I want to ask him if he has four institutions of learning in his city as I have in mine? A college—Allegheny—where the late President McKinley was educated, and of which I have the honor of being a trustee; a college of music; and a business college?

Mr. GAINES of Tennessee. Yes; I think there are five or six in mine, and more coming [laughter], and universities. You can hardly keep them out. I am satisfied that if the gentleman from Pennsylvania would come down to Nashville he would want to stay there. I would introduce him to some of the greatest dentists in this country. I would introduce him to one of the greatest dentists this country has ever seen.

Mr. BATES. How old is he?

Mr. GAINES of Tennessee. He is noted all over the country and is consulted by people from all over the country. He is Dr. J. Y. Crawford.

Mr. BATES. Is he not over 20 years of age?

Mr. GAINES of Tennessee. Yes, he is over 20 years of age; but he went to an ordinary dental college, and since that time has founded colleges.

Mr. BATES. Will the gentleman from Tennessee not admit that his distinguished friend was a better dentist at the age of 24 than he was at the age of 21? [Laughter.]

Mr. GAINES of Tennessee. I do not know. He is good all the time. [Laughter.]

Mr. BATES. If he admits that, he gives away his amendment.

Mr. GAINES of Tennessee. He is good all the time. He is a natural-born dentist. [Laughter.] In addition to that, Mr. Chairman, my colleague [Mr. Sims] says that he was born and reared in his district, and that should be absolute proof of the truth of what I have said.

Mr. Chairman, concluding this matter, I really do think that we are shutting out a lot of splendid young surgeons who would be glad to come into the service and do good service, and that being the case I want to give everybody under proper limitations a good chance. I am against monopoly of all sorts, and I want, wherever I can, to give everybody a chance; not hope only, but a practical chance.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. Dawson) there were—ayes 21, noes 42.

So the amendment was rejected.

Mr. GAINES of Tennessee. Mr. Chairman, I offer another amendment, to strike out in the same line, including line 11, the words "thirty-five," and insert in lieu thereof the word "forty."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 1, lines 10 and 11, strike out "thirty-five" and insert "forty."

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. GAINES of Tennessee) there were—ayes 27, noes 40.

So the amendment was rejected.

Mr. DAWSON. Mr. Chairman, I now renew my motion that the committee rise and report the bill favorably to the House.

The motion was agreed to.

Accordingly the committee arose; and the Speaker having resumed the chair, Mr. CAPRON, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 16620) authorizing the appointment of dental surgeons in the navy, and had directed him to report the same back with a recommendation that the bill do pass.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. DAWSON, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will call the next committee.

The Clerk proceeded with the call of committees.

PROMOTION OF INDUSTRIAL PEACE.

Mr. BARTHOLOMT (when the Committee on Labor was called). Mr. Speaker, I call up the bill (H. R. 19662) to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That section 2 of an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace," approved March 2, 1907, be amended so as to read as follows:

"Sec. 2. That it shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation, to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of 16 persons, to be known as the "industrial peace committee;" said committee to consist of the 7 trustees and 9 other persons to be selected by the trustees, 3 of whom shall serve as members of the committee for the period of one year, 3 as members for the period of two years, and 3 as members for the period of three years; 3 of the 9 members thus selected by the trustees to be representatives of labor, 3 to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and 3 members to represent the general public. Any vacancies which may occur in this committee shall be filled by the selection and appointment in the manner prescribed for the original appointment of the committee, and when the committee has first been fully selected and appointed each member thereafter appointed shall serve for the period of three years or for the unexpired portion of such term."

Sec. 2. That section 3 of the said act be amended so as to read as follows:

"Sec. 3. That the industrial peace committee herein constituted shall arrange for such meetings and conferences in the city of Washington,

D. C., as it may deem advisable, of representatives of labor and capital for the purpose of discussing industrial problems with the view of arriving at a better understanding between employers and employees. It shall call such conferences in case of great industrial crises and take such other steps as in its discretion will promote the general purposes of the foundation, subject, however, to such rules and regulations as may be prescribed by the trustees. The committee shall receive suggestions for the subjects to be discussed at the meetings and conferences, and be charged with the conduct of the proceedings at such meetings and conferences, and shall also arrange for the publication of the results of such meetings and conferences."

Mr. BARTHOLDT. Mr. Speaker, the purpose of the amendments by which this bill seeks to amend an act passed in the last Congress is perhaps best explained in a letter which I have received from Hon. Oscar S. Straus, the Secretary of Commerce and Labor, and which I desire to have read from the desk.

The Clerk read as follows:

DEPARTMENT OF COMMERCE AND LABOR,
OFFICE OF THE SECRETARY,
Washington, March 19, 1908.

MY DEAR CONGRESSMAN: At the last joint meeting of the trustees and the committee of the Foundation for the Promotion of Industrial Peace a resolution was adopted recommending that section 2 of the act of March 2, 1907, be so amended as to effect a change in the membership of the Industrial Peace Committee, and I was instructed to bring the matter to the attention of Congress, with the view of securing the amendment of the act in question.

Knowing your personal interest in the beneficent purpose contemplated by Congress in making provision for the use of the Nobel prize, I have the honor to submit herewith a draft of the proposed amendment to section 2, with the request that should it meet with your approval you introduce the same in the House and use your good offices in securing its enactment.

The amendment provides that the Industrial Peace Committee shall consist of 16 members instead of 9 as now provided, and shall include the 7 trustees created by the act. It is believed that the cooperation of the trustees with the committee appointed by them will place a practical responsibility upon the trustees commensurate with the importance of the trust, and that the unification of the two bodies will best subserve the interests involved.

Upon my own responsibility I have also drafted an amendment to section 3, which does away with the necessity of calling an annual conference of the representatives of capital and labor for the purpose of discussing industrial problems. I am convinced that a compulsory annual meeting between the representatives of capital and labor is not advisable, and that better results will be accomplished by leaving it within the discretion of the committee to call meetings when deemed necessary.

A draft of these proposed changes has been sent to Hon. JOHN W. DANIEL, of the Senate, in order that consideration of the matter may be had by that body.

Very truly, yours,

OSCAR S. STRAUS, Secretary.

Hon. RICHARD BARTHOLDT,
House of Representatives, Washington, D. C.

Mr. BARTHOLDT. Mr. Speaker, as appears from this letter, the amendments which are here proposed to the original act are merely technical in character. They provide that instead of two bodies which are to administer this fund only one body is to be created, consisting of 7 trustees, namely, the Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, 1 person to represent capital, 1 person to represent labor, and 2 persons to represent the general public. Those 7 persons are the board of trustees. There are to be added to these 7 persons 9 citizens of the United States, 3 to represent capital, 3 to represent labor, and 3 to represent the general public. Under the terms of the original act the board of trustees had really no functions to perform excepting to turn over the money which is to be collected under this law to the committee of 9 as a working committee. The trustees and the committee of 9 held a meeting last spring, and upon due consideration of the whole subject they came to the conclusion that it would be more advantageous and secure a more efficient administration of the trust if the two bodies can be unified and placed upon the same footing, so that the fund is to be administered by a committee or a board of 16 persons. That is the first amendment.

The second amendment merely provides that the meetings which are to be held for the discussion of questions affecting labor and capital shall not be compulsory, but shall be held in the discretion of the board of trustees. The Committee on Labor has carefully considered these amendments and has reported this bill favorably to the House, and I ask its passage at this time. Unless some Member desires to ask any questions, I shall reserve the balance of my time.

Mr. MANN. Will the gentleman tell what, if anything—

Mr. BARTHOLDT. Mr. Speaker, I reserve the balance of my time.

The SPEAKER. Does the gentleman from Missouri yield?

Mr. BARTHOLDT. Certainly.

Mr. MANN. What, if anything, has been done under the act which was passed in the last Congress?

Mr. BARTHOLDT. The only thing, as I understand, Mr. Speaker, that has been done was a meeting of the gentlemen appointed by the President of the United States under this bill,

namely, the seven trustees and the committee of nine. They held a meeting in this city in March last, and after carefully considering the whole subject came to the conclusion that it would be necessary to pass this amendment in order to more effectually carry out the purposes of the donor, the President of the United States.

Mr. MANN. The law has been in operation now nearly two years with a very impressive title, "An act to establish the foundation for the promotion of industrial peace." They have the money and the title. Have they done anything in two years' time toward accomplishing the purpose?

Mr. BARTHOLDT. Mr. Speaker, I do not think that the total amount of money which was contained in the donation will go very far in the direction of establishing industrial peace in this country, but money is probably not the essential thing.

Mr. MADDEN. Will the gentleman yield—

Mr. BARTHOLDT. In a moment; I wish to answer this first. In fact, according to the terms of this bill, not the original fund but only the interest of the fund can be used for the purposes of this legislation. The idea was, of course, that American philanthropists might be induced to add to that nucleus of \$40,000, which was created by the generous donation of the President, so that eventually a larger fund might be had for the noble purpose of promoting industrial peace.

Mr. MANN. I might say to the gentleman I am not asking for idle curiosity. Our committee had the Townsend bill pending in the House, which was discussed for a day in reference to the appointment of arbitration boards, and I asked because I thought the gentleman would be informed as to what really had been done. They have had the interest for some portion of time on this money. I understand the principal was \$40,000. Now, what, if anything, has been done under the provisions of that act except meeting and saying they wished further legislation?

Mr. BARTHOLDT. That is about right. They could do nothing and could not properly organize until Congress could enact this additional legislation.

Mr. MADDEN. Will the gentleman yield?

Mr. BARTHOLDT. Yes, sir.

Mr. MADDEN. Does the committee have a permanent organization, and does it attempt to collate data in relation to the industrial situation?

Mr. BARTHOLDT. As I understand, Mr. Speaker, nothing has yet been done in that direction, but it is undoubtedly proposed to do that very thing. In fact, if the expressed purposes of the gentlemen who are interested in this matter are to be carried out, this organization will in the course of time, probably, take the place of what is now called the "Civic Federation."

Mr. MADDEN. There is no power before the committee under the law to force any settlement of any industrial difficulty.

Mr. BARTHOLDT. No, sir; there is nothing of that kind in the bill.

Mr. MADDEN. What is the special function of the committee?

Mr. BARTHOLDT. I take it, Mr. Speaker, that the discussions, which will be carried on under the provisions of this bill, will be more or less in the nature of academic discussions of questions of capital and labor.

Mr. MADDEN. Educational in their character.

Mr. BARTHOLDT. Educational in their character; and if some great occasion might arise of great difficulties between those two powerful factors, why, probably, this organization might be called into action.

Mr. MADDEN. Would the gentleman consider this committee as being of as much importance in the settlement of industrial difficulties as any proposed committee of compulsory arbitration that might be created under the law?

Mr. BARTHOLDT. Well, this board would surely not be as effective, because they have not the power to arbitrate.

Mr. MADDEN. Would anybody have the power, even though it might be delegated to them by law?

Mr. BARTHOLDT. I do not think this Congress would have the jurisdiction to provide compulsory arbitration.

Mr. MANN. Will the gentleman yield further?

Mr. BARTHOLDT. Yes, sir.

Mr. MANN. The bill provides that they shall arrange for the publication of the results of the meetings and conferences. Is there anything in the former law requiring a report to Congress?

Mr. BARTHOLDT. Mr. Speaker, I think it might be well if the original act be read—it is short—for the information of the House, and I send it to the Clerk's desk.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

Be it enacted, etc., That the Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, and their successors in office, together with a representative of labor and a representative of capital and two persons to represent the general public, to be appointed by the President of the United States, are hereby created trustees of an establishment by the name of the "Foundation for the Promotion of Industrial Peace," with authority to receive the Nobel peace prize awarded to the President and by him devoted to this foundation, and to administer it in accordance with the purposes herein defined. Any vacancies occurring in the number of trustees shall be filled in like manner by appointment by the President of the United States.

SEC. 2. That it shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation; to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of 9 persons, to be known as "The Industrial Peace Committee," to be selected by the trustees, 3 members of which committee shall serve for the period of one year, 3 members for the period of two years, and 3 members for the period of three years; 3 members of this committee to be representatives of labor, 3 to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and 3 members to represent the general public. Any vacancies which may occur in this committee shall be filled by selection and appointment in the manner prescribed for the original appointment of the committee, and when the committee has first been fully selected and appointed each member thereafter appointed shall serve for a period of three years or the unexpired portion of such term.

SEC. 3. That the industrial peace committee herein constituted shall arrange for an annual conference in the city of Washington, D. C., of representatives of labor and capital for the purpose of discussing industrial problems, with the view of arriving at a better understanding between employers and employees; it shall call special conferences in case of great industrial crises and at such other times as may be deemed advisable, and take such other steps as in its discretion will promote the general purposes of the foundation; subject, however, to such rules and regulations as may be prescribed by the trustees. The committee shall receive suggestions for the subjects to be discussed at the annual or other conferences and be charged with the conduct of the proceedings at such conferences. The committee shall also arrange for the publication of the results of the annual and special conferences.

SEC. 4. That all expenditures authorized by the trustees shall be paid exclusively from the accrued income and not from the principal of the foundation.

SEC. 5. That the trustees herein named are authorized to hold real and personal estate in the District of Columbia to an amount not exceeding \$3,000,000, and to use and dispose of the same for the purposes of this foundation.

SEC. 6. That the principal office of the foundation shall be located in the District of Columbia, but offices may be maintained and meetings of the trustees and committees may be held in other places, to be provided for in by-laws to be adopted from time to time by the trustees, for the proper execution of the purposes of the foundation.

SEC. 7. That the Foundation for the Promotion of Industrial Peace is hereby authorized and empowered, at its discretion, to cooperate with any institutions or societies having similar or like purposes.

SEC. 8. That this act shall take effect immediately on its passage.

Mr. BARTHOLDT. I believe that answers the question of the gentleman from Illinois [Mr. MANN].

Mr. HUGHES of New Jersey. Will the gentleman yield to a question?

Mr. BARTHOLDT. Yes, sir.

Mr. HUGHES of New Jersey. Who makes the appointments now?

Mr. BARTHOLDT. The President makes the appointments.

Mr. HUGHES of New Jersey. And the purpose of this act is to have seven trustees to make the appointments?

Mr. BARTHOLDT. The gentleman will find an answer to his question in the first section of the original act, which says:

That the Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, and their successors in office, together with a representative of labor and a representative of capital and two persons to represent the general public, to be appointed by the President of the United States, are hereby created trustees—

No; section 2 is the proper section. I will read:

That it shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation, to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of nine persons, to be known as "The Industrial Peace Committee," to be selected by the trustees, three members of which committee shall serve for the period of three years, three members for the period of two years, and three members for the period of three years; three members of this committee to be representatives of labor, three to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and three members to represent the general public.

So that the committee of nine is to be appointed by the trustees.

The SPEAKER. Is there an amendment?

Mr. BARTHOLDT. There is no further amendment.

Mr. HUGHES of New Jersey. Mr. Speaker—

The SPEAKER. Does the gentleman from Missouri [Mr. BARTHOLDT] yield to the gentleman from New Jersey?

Mr. BARTHOLDT. I yield with pleasure.

Mr. HUGHES of New Jersey. There was some opposition to this bill before the committee; rather serious opposition on the

part of some members of the committee who are not present in the House at this time. The main objection seems to have been that it created a sort of a self-perpetuating body and that little could be expected as the outcome of this amendment. Under the language of the amendment the several trustees become members of the commission. Now their functions consist simply of their conduct as custodians of this fund, to invest and reinvest it and turn it over as it may be required to pay the expenses of the members of the commission. This amendment makes these seven trustees, together with nine other persons to be selected by the trustees, members of this commission. At the time the amendment was offered and supported in committee by the distinguished gentleman from Missouri [Mr. BARTHOLDT], who has called up this bill, this objection was made to it. I regarded it as a serious objection then, and some of my colleagues on the committee regarded it as a serious objection also. I think it is a departure from the main object of the bill, which is to have the gentlemen named as trustees responsible only for the funds so as to have two separate and distinct bodies, one body caring for the fund and the other body carrying on the functions of the commission. It is true that it is a harmless sort of proposition, and nothing seems to have been done under it since it came into existence, and there is not very much chance that anything much will be done under it. Nobody has yet seen fit to leave any great sums of money to the commission, but it seems to me that the original act was better than the act will be if this proposed amendment is adopted.

Mr. SLAYDEN. Does it contemplate any ultimate charge on the Public Treasury?

Mr. BARTHOLDT. No; this amendment does not contemplate any ultimate charge on the Treasury.

Mr. MANN. May I ask the gentleman a question? The trustees, or a majority of them, or a portion of them, at least, are officials in Washington—the Chief Justice, the Secretary of Agriculture, the Secretary of Commerce and Labor, and perhaps some others. When I read this bill I took it that the real reason for the bill was because it was impossible to get a quorum here of the nine other persons selected by the trustees. Having some officials in Washington who are trustees would aid the commission in getting a quorum of the commission once in a while by getting the officials here in Washington and two or three from the outside. Is there anything else to it than that?

Mr. HUGHES of New Jersey. Well, I do not know. That reason is not set out in the letter of Secretary Straus, and has not been urged here.

Mr. MANN. That is a reason they could not very well give in public, I suppose. I happen to be one of the Regents of the Smithsonian Institution, and I am quite sure that half the time if there were no officials on the board they would have no quorum to transact business. It is easy for the officials to go to the meetings, but it is very difficult for people to come from abroad sometimes to attend a meeting. Very often they may want to transact some business.

Mr. HUGHES of New Jersey. The reason of the gentleman from Illinois [Mr. MANN] does not seem to me to be an impelling one.

Mr. MANN. I only asked if that were not the reason. That is the only reason I can see for doing it.

Mr. HUGHES of New Jersey. The House a little while ago voted down one of these arbitration propositions, and I find that both classes of supposed beneficiaries of these arbitration acts are against these so-called "benefits" that people are wishing to thrust upon them. Neither the manufacturers nor those engaged in manual labor have any desire to have these acts passed which provide machinery for arbitration of disputes. They can get together any time they want without any act of Congress and without any state laws.

I do not know of any state board of arbitration that has ever done any practical good to anybody except to themselves. We have had one in our State, recently abolished, which, for a good many years, performed the physical and manual labor of signing their salary vouchers and performed no other useful service. Now, if it is impossible to appoint a commission that will take sufficient interest in this matter to meet, why should we make it easy for the commission to meet? These six or seven trustees, in accordance with the views suggested by the gentleman from Illinois, would be sitting here all the time, out of touch with industrial conditions throughout the country. Such a commission would be considered to be in touch if appointed in accordance with the idea of the original act. They would be promulgating their views, and publishing them perhaps. But under the original bill and the original idea they were supposed to have absolutely nothing to do with the board except to ad-

minister the funds. Now it is proposed to make them a permanent existing quorum in the city of Washington.

Mr. COX of Indiana. Will the gentleman allow me to ask him a question for information?

Mr. HUGHES of New Jersey. Yes; certainly.

Mr. COX of Indiana. I believe the gentleman is a member of the committee which reported this bill.

Mr. HUGHES of New Jersey. I am.

Mr. COX of Indiana. In the original organic act giving life to the measure were there any duties imposed upon those who were appointed on the board of trustees?

Mr. HUGHES of New Jersey. Not according to my understanding of the terms of the original act, which I do not happen to have by me. The duties of the trustees were limited to the administration of the funds. Now, this amendment contemplates making the trustees a part of the commission and having them appoint nine other members of the commission, so that they become at once a self-perpetuating body, over whom nobody has any control—a body that may become out of touch with the industrial conditions; and if the commission was made up of men appointed who live throughout all the country, nobody will attend except the trustees. These trustees are not selected for their personality. They obtain their positions as trustees by virtue of the offices for which they are selected—as the Secretary of Commerce and Labor, the Chief Justice of the Supreme Court, and so on. They were selected not because they were particularly fit men to discharge functions of this kind, but particularly and peculiarly fitted to administer a trust fund, which was altogether the purpose of the original law.

Mr. COX of Indiana. The gentleman some few moments ago said there was very strenuous opposition to this amendment before the committee. Upon what was the opposition based?

Mr. HUGHES of New Jersey. The opposition of every representative of organized labor who has spoken to me on the subject was based on the ground that it was likely to cause the commission to be out of touch with industrial conditions. I will say, however, that they were not in favor of the original proposition as it remains if this amendment should be defeated. I will say that I simply rose to debate this amendment in order that I might have an opportunity to register my opposition to it and say to the House that some of my colleagues on the committee not here at this time also opposed this amendment at the time.

Mr. BARTHOLDT. I now yield five minutes to the gentleman from Illinois.

Mr. MANN. Mr. Speaker, I did not intend to take the floor; but the reason that the gentleman from New Jersey opposes the amendment seems to me is not a sufficient reason. The purpose of the bill is very plain to me. When the Nobel prize was awarded to the President, he donated that money to carry out the purpose of the law to which this bill is an amendment. Probably that law was not very carefully scrutinized in the House. I do not know how perfect it may have been, but it had one effect. It provided for the appointment by the trustees of nine members of the committee, scattered necessarily throughout the country. It is not easy to get these nine members here together. Of the nine members it takes five to make a quorum. I do not know what the usual practice has been, but if the usual practice was followed it would be very difficult to obtain a quorum of the committee here, unless there could be added to that committee some gentlemen living in Washington. That is easily done if half a dozen of the trustees who named the other nine members themselves constituted a part of the committee.

Mr. HARRISON. Will the gentleman allow me to ask him a question?

Mr. MANN. Certainly.

Mr. HARRISON. Does not the gentleman fear that this self-perpetuating permanent body if assembled here in Washington all the time might become so industrious as to become engaged in undesired and undesirable interference in labor disputes?

Mr. MANN. It is perfectly impossible for this commission or committee to be assembled here all the time with the amount of money they now have or with the amount of money they will be likely to have for many years.

The reason I speak about this is because I happen to be one of the Regents of the Smithsonian Institution. That Board of Regents is composed of the Chief Justice, the Vice-President, 3 Members of the House, 3 members of the Senate, 2 residents of the District of Columbia, and a number of other gentlemen scattered throughout the country. Whenever they have important matters to consider, the members throughout the country are notified and most of them attend; but very often it is impossible for some of them to be here, and it is quite often

the case that a majority of the members scattered throughout the country away from Washington are unable to attend a meeting; and unless there were at the meeting members located in Washington, it would be very difficult to obtain a quorum for ordinary meetings of the board. The commission affected by this bill have no large sum of money on hand, and in my view are not likely to have any enormous sum of money.

Mr. WALDO. How much?

Mr. MANN. They have \$40,000, of which they can use the interest. If they ever do obtain a large sum of money, it will be within the power of Congress to amend the law under which they act, and it seems to me it is perfectly proper to give them what they are asking for.

Mr. BARTHOLDT. Mr. Speaker, I ask for a vote.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time and passed.

On motion of Mr. BARTHOLDT, a motion to reconsider the last vote was laid on the table.

The SPEAKER. The Clerk will resume the call of committees. The Committee on the Militia was called.

MILITIA IN THE DISTRICT OF COLUMBIA.

Mr. STEENERSON. Mr. Speaker, I call up the bill (H. R. 21926) for the organization of the militia in the District of Columbia.

The SPEAKER. Is the bill on the House Calendar?

Mr. STEENERSON. The bill is on the House Calendar.

The SPEAKER. The gentleman from Minnesota calls up the following bill, which the Clerk will report.

The bill (H. R. 21926) for the organization of the militia in the District of Columbia was read.

Mr. STEENERSON. Mr. Speaker, in explanation of this bill, which you will observe is quite a long one, I will say that the Militia of the District of Columbia was organized under an act passed in 1889. As you will recall, Congress in 1903 passed the Dick law, which provides that before the militia of any State, Territory, or the District of Columbia can share in the appropriations made by the Congress for the militia, they must conform in organization, armament, and discipline to the Regular Army within five years from the date of that act. Last year we extended the time two years, so that the time within which the militia of all the States, Territories, and the District of Columbia must conform in organization to the Regular Army expires next year. This makes it necessary to rewrite many of the sections of the organic act of the Militia of the District of Columbia. The first nine sections did not require any change, but most of the subsequent sections did.

The Committee on Militia had this bill under consideration for many months, and we heard representatives of the militia and of the War Department, and gave the subject very careful consideration. Every section was considered by itself, and the act as a whole was carefully considered. The report of the Committee on Militia is unanimous.

The officers and men of the Militia of the District of Columbia are very anxious to conform in their organization to that of the Regular Army, but are unable to do so until Congress passes this or a similar act. If it be not passed within a year, they will be deprived of their quota. We know of no reason why this bill should not pass. I will not detain the House with any further statement, but will be glad to answer any questions, and will yield to the gentleman from Massachusetts [Mr. AMES], the author of the bill.

Mr. AMES. Mr. Chairman, I am glad to make any explanation that may be desired. The object of the bill is to conform to the requirements of the Dick law. In order that the militia of the several States may derive benefit from the appropriation made by Congress, it is required that prior to such participation the organization of the militia in the various States shall conform to a general plan.

This bill is to make the Militia of the District of Columbia conform to the regular-army standard set by the department. There are but two changes of moment, one in reference to the pay of militia when ordered on duty and the other in reference to courts-martial. The courts-martial sections are 50 and 50 a, b, and c and are almost self-explanatory. The bill has been most carefully gone over by the War Department, the Judge-Advocate-General; General Drain, the head of the National Guard Association of the country, and General Brett, for many years at the head of the militia in the District. There has been no criticism that I have heard from any of the officers and men in the militia of the bill providing for the promotion in the line or in the staff. I understand there has been some criticism of that part of the bill on page 2, providing as

to what shall constitute the organization of the National Guard. The criticism was to the provision—

That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased.

That was put into the bill after long debate and consideration with the department to simplify the act and make it possible in time of peace for the President and Commander in Chief to reduce to a necessary and proper minimum in order that the organization might continue without a disbandment, necessary under a fixed rule of strength.

Mr. COX of Indiana. Will the gentleman state whether or not the same provision is found in the organic law of which he speaks as that on page 2 of this bill, giving the power to the President to change conditions?

Mr. AMES. It is not. When I stated that this conformed to the organic law I intended to say that it conformed as nearly as it seemed possible to make it. There are two or three minor details, and this is considered one of the maximum, that differ from the organic law.

Mr. COX of Indiana. Is this the chief difference?

Mr. AMES. Yes; this is one of the main differences.

Mr. COX of Indiana. The gentleman said a moment ago that there was some difference in the pay.

Mr. AMES. When the law was originally drawn it provided that the pay of the militiaman should be the multiple of his pay when called on extra duty.

Mr. STEENERSON. I think the gentleman is mistaken about that; the difference is in the original bill.

Mr. AMES. In the original bill it was three times, and this is twice as much.

Mr. STEENERSON. The organic act provided for the same pay as the Regular Army. In the bill introduced by the gentleman from Massachusetts the original bill provided for three times the pay. Between the time that that first draft was reported and the reporting of this substitute bill Congress had passed a bill increasing the pay of the army, so that we thought it was necessary to cut this down in order to make it harmonious, and that is the explanation that ought to be made.

Mr. KEIFER. Mr. Speaker, I am not familiar with this bill, and it is too long to understand it from the reading at the desk. But I want to make some inquiry in relation to it. What does the gentleman from Massachusetts mean by "the organic law" that he refers to?

Mr. AMES. I refer to the Dick law.

Mr. KEIFER. That is what I supposed it was.

Mr. STEENERSON. By the organic law I refer to the law of 1889. That is the organic act for the District Militia.

Mr. KEIFER. Then there is a difference among the members of the committee as to what is meant by the organic law?

Mr. AMES. That is the organic law, and this is to comply with the Dick law.

Mr. KEIFER. What difference is there allowed in the case of the militia in case the militia should be called into actual service under this and the Dick law, or is there any?

Mr. STEENERSON. The Dick law does not cover that point.

Mr. AMES. That is a detail which is not provided for in the Dick law.

Mr. KEIFER. The Dick law does provide what shall be done with the militia in a State in case they are called into actual service for any purpose—they would get the pay of officers and men in the Regular Army.

Mr. HULL of Iowa. Yes; because there is no other pay provided.

Mr. KEIFER. Precisely; because there is no other pay provided. Does this change that and fix a pay that is different from that of the Regular Army?

Mr. STEENERSON. In case of a riot it does, and so does the law of every State in the Union; it prescribes a higher pay for the men when called out in case of riot.

Mr. KEIFER. When there is danger.

Mr. STEENERSON. Well, the gentleman is aware that the ordinary pay of civilians is several times that of the pay of a soldier, and it was thought just that they should be allowed twice the pay in these cases where the militia is called out to quell riot, tumult, or breach of the peace, or in aid of the civil authorities.

Mr. KEIFER. My understanding has been that soldiers in actual service are always called where there is some danger, but here an exception is made in case of riots and they are to be paid more. Is that the understanding?

Mr. AMES. Pay them double the pay.

Mr. KEIFER. What struck me from hearing the bill read—hearing a part of it only—was that this was giving an undue

preference to the Militia of the District of Columbia over the militia of the different States, and in that respect it was magnifying—

Mr. MANN. Oh, in our State we pay more than is provided for in this bill.

Mr. STEENERSON. New York pays three times as much.

Mr. KEIFER. Not in the matter of payment alone, but in the matter of preference, in giving the militia of this District an organization that will be out of proportion to the militia of the different States, taking into consideration the population and the power and influence.

Mr. STEENERSON. Oh, I think not. There is nothing in that objection. This militia is not any larger than it ought to be.

Mr. KEIFER. It seems to me that there is provided here a very considerable army, and a very considerable army of officers, sufficient to go to the field to wage a very considerable battle, altogether made up of the Militia of the District of Columbia.

Mr. STEENERSON. There is no increase over the present strength, except as to the coast artillery.

Mr. KEIFER. It is an increase in the organization, if not in numbers; but it provides for an organization of a very large force, with general officers and colonels and staff officers of very high grade, and it seems to me from hearing it read that staff officers had a rank very much out of proportion to the number of the militia that would be in the ranks.

Mr. STEENERSON. We had hearings on that subject, and the Assistant Secretary of War, General Oliver, was there, and it was asserted—and I have no doubt it is correct—that it simply corresponds in organization with the corresponding organization of the Regular Army. There are no superfluous officers provided for. They are all necessary in order to correspond.

Mr. KEIFER. I am not going to oppose the bill, but I am inclined to think that when we come to organize under this law the Militia of this District, we will have a very considerable army in the city of Washington under the head of militia and under the directions, of course, of the Secretary of War or the President of the United States, the Commander in Chief of the Army and the Navy.

Mr. STEENERSON. I will say to the gentleman that if we do get a greater strength it would be a consummation devoutly to be wished, because certainly if there is any place in the country that needs a militia it is the seat of government.

Mr. KEIFER. I thought there was always kept about the seat of government, especially over here at Fort Myer, a very considerable number of Regulars.

Mr. STEENERSON. There is no coast artillery here.

Mr. KEIFER. So that we would not be at the mercy of rioters without aid near at hand.

Mr. STEENERSON. Mr. Speaker, I reserve the balance of my time.

Mr. MANN. Mr. Speaker, I want to ask a question, as to whether it would be a benefit generally to have the militia of the different States organized along the same lines, and if so, whether it would be desirable to have the District Militia organized along the same lines as the state militia.

Mr. KEIFER. I was under the impression, Mr. Speaker, that we ought to have uniformity in the organizations of the militia in all the States, the District, and the Territories, and not have two systems of organization in case we should have to call them out generally.

If this were an organization merely for the protection of the city of Washington or the District of Columbia, and that was all, it would not make very much difference whether there was uniformity or not; but there may come a time when we would expect to call, in case of war, for volunteers, and it is supposed—and that is a theory of the Dick bill—that the first to be called would be the organized militia of the different States; and it would be somewhat unfortunate, I think, if the Militia of the District of Columbia and of the different States, and so on, stood upon a different basis as to rank, if you please. We have generals provided for under this bill.

Mr. HULL of Iowa. Only one here.

Mr. MANN. As I understand, the Dick bill was passed with the idea of having not only the States accept its provisions, but make their own statutory provisions conform with it, and that the purpose of this bill was to do that in the District of Columbia, under our control, which we expect the state legislatures to do in the States.

Mr. KEIFER. I think we probably go here a good ways beyond what the States generally will do, but I am not now speaking with great confidence, for I am not very familiar with this bill, to be candid about it.

Mr. COX of Indiana. On page 2 of the bill reported by the committee I see section 11 is struck out and another section 11 is incorporated. Now, as I understand that section 11, as found in the bill, it is a new section. Is that correct?

Mr. STEENERSON. Well, there are only a few new words in it. It is substantially the old section, with a few new words, so as to fit it to the present situation.

Mr. COX of Indiana. Then let me ask you. I find in section 11, on page 2, of the bill now pending before the House, in a proviso, the following:

Provided, That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased—

And so forth.

Is that new language incorporated in this section 11, or is that language to be found in the original section 11, as found in the old organic law?

Mr. STEENERSON. I think that is new.

Mr. AMES. That is new.

Mr. COX of Indiana. If that is new, why was it incorporated in this bill?

Mr. STEENERSON. The gentleman will understand that this section first undertakes to enumerate the different organizations constituting the militia, and then it gives a blanket authority to the President to change the organizations where they are required in the future. The regular army organization might be modified next year, and instead of coming to Congress, which is a very slow body to act, as we found it in this case especially—we have been waiting for six years now to get this bill passed—they could simply go to the President of the United States or to the War Department for a modification of the organization. If there was a different designation, if a captain should be called something else or a wagoner should be called a drayman or something like that—they have certain terms in the army organization, and in order to draw the pay while the militia is in the service of the United States they must be known by the same titles—and therefore it might occur in the future that a title would change from what is described in this section 11, and the War Department could then modify this act by an executive order giving the change of title, so that it would not need another act of Congress in order to pay them under their proper designation. That is the explanation.

Mr. COX of Indiana. Well, I am seeking information. One question further. I understand the purpose of this bill is to enable the Militia in the District of Columbia to conform as near as practicable to the Dick bill. Is that correct?

Mr. STEENERSON. That is correct. In this instance the House of Representatives simply acts the same as the legislature of a State would do, like the legislature of Indiana, Ohio, or Minnesota, in conforming their local statutes to the Dick law. That is all.

Mr. COX of Indiana. I am seeking information—

Mr. STEENERSON. And I hope you are getting it.

Mr. COX of Indiana. And I desire to know whether or not there is anything in the Dick bill which empowers the President to change organizations such as you propose in this bill.

Mr. STEENERSON. Oh, no; that would not be in the Dick bill.

Mr. GAINES of Tennessee. Now will the gentleman yield?

Mr. STEENERSON. Yes.

Mr. GAINES of Tennessee. Suppose the governor of a State calls out the troops of the State to quell a riot and they are for some time in service in doing so. Does the United States, under the existing law, the Dick law—that is what I have in mind—pay these troops or does the State pay them?

Mr. STEENERSON. The State pays them.

Mr. KEIFER. That is a State matter.

Mr. GAINES of Tennessee. They do not, when called out by the governor of a State, in that case become Regulars or a part of the United States Army, but they are troops of the State and amenable to the laws of the State.

Mr. KEIFER. They stand exactly as though there had been no Dick law.

Mr. STEENERSON. I think the quick way to explain the Dick law to the gentleman would be to say that Congress appropriates so much money and makes it a condition for any state or district militia to participate in that appropriation, whether of money or uniforms or ammunition, that they conform in their organization to the organization of the Regular Army. Now, that conformity is a condition precedent to their sharing in the appropriation. All the rest of the regulation for the militia is devolved upon the States. The local law of

the State, Territory, or District must prescribe an organization to conform with that of the army.

Mr. GAINES of Tennessee. And even though their organization conforms to the Dick law, and the governor calls them out to quell a riot or under other conditions, the State pays the troops.

Mr. STEENERSON. The State pays them in the instance I cited. There are cases where money comes out of the United States Government.

Mr. GAINES of Tennessee. Of course they would not pay them if called out by the President. Then who would pay them?

Mr. STEENERSON. The United States.

Mr. GAINES of Tennessee. They would be paid as regular troops?

Mr. STEENERSON. They would be paid as regular troops—the same as regular troops.

Mr. KEIFER. Called out on federal duty.

Mr. GAINES of Tennessee. I wanted to get that clear. The Dick law, as I understand it, did not affect anything at all that relates to purely state matters, and did not affect them over what they were before it was passed, so far as they were concerned.

Mr. FLOYD. Will the gentleman yield to me for a statement?

Mr. STEENERSON. Certainly.

Mr. FLOYD. In regard to section 11, which has been under discussion, I desire to explain the matter as I understand it. It states that the President—

Shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased.

This is limited by the following portion of the section:

So as to conform to any organization, system of drill, or instruction now or hereafter adopted for the Army of the United States or the organized militia, and for that purpose the number of officers—

And so forth—

may be increased to the extent made necessary by the new positions thus created.

The power is limited so as to make the militia organization conform to the organization of the Regular Army, and the purpose of this bill, as I understand it, is simply to make the District Militia conform in organization, armament, and discipline to the Regular Army, so that in case of war the two forces may be brought together, and, being trained in the same school of military tactics, would better harmonize. That is what I understand to be the purpose of the bill and the sole purpose of it.

It is true that under the provisions of the Dick bill, before a State or the District of Columbia can participate in the funds appropriated under that bill, it must conform to the requirements of that law, but the general purpose of the bill, of far greater importance than to get the money that is appropriated, is to put all the military forces of the United States, both of the States and in the District, and in the army, in an organization that is harmonious as to armament, discipline, and as to the organization.

Mr. KEIFER. Will the gentleman allow me?

Mr. FLOYD. Certainly.

Mr. KEIFER. Does not the language of section 11 state the principal ground upon which the President may act, and that is to make the militia more efficient?

Mr. FLOYD. I think so; but he would be limited in his power in this, that he could make no change except to make it conform to the regulations and changes that are subsequently made in the Regular Army under authority of law after the passage of this act.

Mr. KEIFER. With a view to its increased efficiency?

Mr. FLOYD. With a view to its increased efficiency. That is the way I understand the section, and I see no objection whatever to it.

Mr. HULL of Iowa. Mr. Speaker, there is no question in my mind but some bill of this character should pass—that there should be a bill passed by the Congress of the United States giving the District Militia the right of organization as now prescribed for the Regular Army. The bill, to my mind, is much better than the first bill introduced, and is, for all I know, a most excellent one as it stands. There are some things about it that I do not entirely approve, but the Committee on Militia undoubtedly have more information than I have. I see that they have changed the court-martial provision so as to remove the most objectionable feature of the bill as first reported. In that bill, as I remember now, they provided that the court-martial could take absolute jurisdiction of any wit-

ness and sentence him to jail for nonappearance in the court-martial, without having the federal court pass upon whether he was guilty of contempt or not. Now they put it the same as the Regular Army court-martial in that respect.

Mr. STEENERSON. The gentleman will recall that this was submitted to the gentleman and was at his suggestion, and is written now exactly as the gentleman from Iowa wished it to be.

Mr. HULL of Iowa. The court-martial feature is the same as provided in the Regular Army.

Mr. STEENERSON. The original bill provided that the District Militia have a court-martial just the same as the state militia, but at the suggestion of the gentleman from Iowa [Mr. HULL] we took away that power.

Mr. HULL of Iowa. I think they ought to have the power to punish, but through the courts. It is too much power for a military court to punish a civilian.

Mr. STEENERSON. It ought to be satisfactory, because we followed the suggestion of the gentleman from Iowa.

Mr. HULL of Iowa. It is satisfactory; and I think the gentleman from Minnesota cordially approved the change.

Mr. STEENERSON. The committee was very glad to have the assistance of the gentleman.

Mr. HULL of Iowa. Mr. Speaker, there are a large number of provisions here in regard to staff. They may be absolutely necessary. I have no doubt but they are or the gentleman from Minnesota would not have reported them. But you have in the District of Columbia two regiments and one battalion and provision for a small force of coast artillery.

Mr. STEENERSON. Two battalions.

Mr. HULL of Iowa. That is not nearly a brigade, and yet you have an adjutant-general's department. Remember, Mr. Speaker, that in each regiment we have a full staff, and in each battalion we have an adjutant and a quartermaster and a commissary. We have an adjutant and quartermaster for each of the battalions in addition to the regimental adjutant, quartermaster, and commissary in the regular army organization. Now, we have here a staff that seems to me exceedingly top-heavy in that particular. They have two adjutant-generals, one of the rank of lieutenant-colonel and one of the rank of major, and so on through the staff. Now, if it is required here that they shall be the same as the organization of the army, that is all right. I would like to have the committee to make section 11, page 2, of the bill, a little more comprehensive than they have it, and after the word "artillery," in line 11, insert "to be organized by the President as provided for the Regular Army by existing law or regulations."

That would give him the right to organize these staff corps as the law requires the Regular Army to be organized. You go beyond that, and provide below that he can change their organization at his pleasure. Now, Mr. Speaker, when you put that amendment in there are four or five pages of this bill that are absolutely useless. In other words, after giving the President the right to change all this organization at his pleasure, to promote the efficiency of the Regular Army, you establish by law these staff corps, that every man in this House must know is exceedingly large for the size of the force. This was based, as I understand it—and if I am not mistaken I will be glad to be corrected by my friend from Minnesota—on the law of the State of New York. The State of New York has over eight times as many troops as we have here, and therefore would necessarily need a larger staff. Now, you have as large a staff here, to care for two regiments, as they have in the largest State in the Union. When they are called into service the present law provides that these organizations of the national guard shall go into the service as organized, does it not?

Mr. KEIFER. Yes.

Mr. HULL of Iowa. Now, my friend from Minnesota will readily see that the Government of the United States would never think of giving to two regiments and one battalion a staff corps equal to that of a division, and yet you give it in this bill. Now, if you think this language, authorizing the President to organize the Militia of the District of Columbia in accordance with the law prescribing the organization of the Regular Army, I can not see what harm would be done if you do it that way. I want at the proper time to move to strike out all of the provisions for this staff corps. Then you follow that with your proposition as it is in the bill, giving the President the right to alter or change, subdivide, and do as he pleases with this organization.

Now, if we are going to fix by law a staff corps as expressed by Congress, this would do; but then you ought not to give the President the right to disband that organization whenever he desired to change it. If Congress absolutely fixes the staff corps, only Congress should change it. In other words, it may

be that this organization would be carried and paid by the War Department; but as one Member of Congress, I would rather the War Department should be responsible for such an organization as that for two regiments than be responsible for it myself.

Mr. KEIFER. Before you go from that. Are there not a considerable number of staff officers provided for in the bill to which you refer that are unknown to the Regular Army?

Mr. HULL of Iowa. I think not.

Mr. KEIFER. I do not mean staff officers who relate to regiments, but to details in making up organizations. Are there not a number there—

Mr. HULL of Iowa. No; in the War Department there are adjutants-general, quartermasters-general, inspectors-general, judge-advocates-general, and all these staff officers.

Mr. KEIFER. They are detailed officers, are they not?

Mr. HULL of Iowa. They are detailed officers.

Mr. KEIFER. But this provides for separate officers.

Mr. HULL of Iowa. This provides for a permanent corps. They are not detailed.

Mr. KEIFER. No; these are not detailed at all.

Mr. HULL of Iowa. No; they are not detailed. I notice another thing here, if the gentleman will pardon me, and I say this not in any spirit of criticism, but merely from a desire to get the best we can for the militia; because I realize, as does the gentleman and every other Member of the House, that our Regular Army is small. It is only the very first line of defense of the country, and the national guard and the unorganized militia back of them, still more powerful, are the great fighting arm of this Government and always will be; but I notice on page 20 it provides that each mounted officer shall be paid a reasonable per diem compensation for horses actually furnished.

Now, the Regular Army does not get that. Every field officer is compelled to be mounted, and his pay is fixed on the basis of being a mounted officer, and he furnishes his horse. Now, if you will put in this bill an amendment, "below the grade of major," you will make it conform to the regular army organization. I am not talking about your pay for men. I think you ought to pay them more than the regular pay of the enlisted men in the army; but the pay of officers is ample for those who go out in case of riot, or for any other purpose. Every time you have an annual encampment all officers provided for in this bill are ordered out for the maneuvers. You say, "ordered out in case of riot or for any other cause." They are ordered out for maneuvers two weeks each year. Every colonel, lieutenant-colonel, and major would receive what is called "a reasonable per diem" for his horse. Now, that would be fixed by whom? By the Secretary of War? It evidently means that Congress believes that, in addition to his pay as a major or a lieutenant-colonel or colonel or brigadier-general, he ought to have extra pay for being mounted, when his pay is fixed by the pay of officers of the same grade in the Regular Army, who have to keep their horses without any extra pay. If he is below the grade of major, the regular army pay provides that a captain shall have so much if he has 1 horse, and so much additional for 2, and nothing if the Government furnishes the horses. It seems to me this ought to correspond with that.

Mr. AMES. Will the gentleman permit an inquiry?

Mr. HULL of Iowa. Yes.

Mr. AMES. I have served with a light battery in the Massachusetts Militia, and I think I am very safe in saying that there was never an officer in the Massachusetts State Militia who did not spend a good deal more than he received, furnishing this, that, and the other thing for the benefit of his organization. So, although an officer's pay is a little larger than that of the enlisted men, it is paid out many times over in the course of a year simply for the good of the militia. He gets nothing at all out of it except love of the work and his desire to promote the efficiency of the organization.

Mr. HULL of Iowa. When the gentleman was a member of the Massachusetts Militia, did the State do all the paying, or did the Federal Government pay a part and the State a part?

Mr. AMES. The State paid all, except what the officers gave out of their own private purse.

Mr. HULL of Iowa. Very well. This is a proposition for the Federal Government to pay. Now, what does a major get?

Mr. AMES. The Federal Government is paying for the militia in the District just what it is paying in each of the States.

Mr. HULL of Iowa. What pay did the State of Massachusetts give a major when the gentleman from Massachusetts was a member of the Massachusetts Guard?

Mr. AMES. My recollection is that it was the pay when called out on duty.

Mr. HULL of Iowa. What pay? It was fixed by the State, I suppose. My State paid the officers and privates the same pay, \$2 a day, some years ago. I do not know what now.

Mr. AMES. They paid in proportion.

Mr. HULL of Iowa. You would have to get at that to know the justice of it. Here the officers are given the pay of the Regular Army. A major gets \$3,000 and a colonel gets \$5,000 a year. Now, he gets his pay while there and his pay is graded as a mounted officer, because he is a mounted officer when he becomes a field officer. There is no extra pay for a field officer in the army because the law requires him to be mounted.

Mr. KEIFER. The captain on mounted service gets a different pay.

Mr. HULL of Iowa. Yes; but last session we provided that where a captain was required to be mounted and did not furnish his own horse he got no extra pay. Where he furnishes a horse he gets the pay of \$150 a year for 1 horse and for 2 horses he gets \$200 a year.

Mr. AMES. I can explain a little further, perhaps, to the gentleman. When we went out as a light battery to Framingham we had to hire horses for a week or ten days. We went to the livery stables and got bids. The horses we had to take were horses poor in character, and we became more or less responsible, for we had to guarantee that they would be brought back in as good condition as when taken, and we had to pay an enormous price for that, so much so that the pay allowed by the State would not begin to pay for the horses. If a mounted officer is called out he is not going to take a horse that he has been boarding all the year round, but he has to go to some livery stable and get a good horse and pay a very large price for him, sufficient to cover accidents, etc.

Mr. MANN. And that would be a reasonable amount?

Mr. AMES. Yes; a reasonable amount.

Mr. HULL of Iowa. No matter what it is, you have to pay anything that the commanding officer certifies as to the amount. Now, going back to page 11, it seems to me that the commanding officer is given too much power in section 23b.

That whenever, in the opinion of the commanding general of the Militia of the District of Columbia, an officer of the said militia has become incapacitated for the performance of duty for any reason, the commanding general shall submit the name of such officer to the Secretary of War, with a view to his being ordered before a board of examination, to be appointed by the said commanding general, which board shall examine said officer as to his physical, mental, and military qualifications.

Now, why not make the board appointed by the Secretary of War? The commanding general may have a prejudice against any officer of his command, and he prefers the charges and appoints the board to try him, and can turn out every member of the board under the same machinery if they do not do what he wishes them to. I am not criticising the commanding general. I think he is able and efficient, but he may not live forever; they may get another. But no matter who the man is I would not give him the privilege of preferring charges against a man and then authorize him to appoint the court to try the officer, holding the power to discharge those whom he does not want and who do not do what he orders them to do, whether right or wrong. It ought to be changed so as to give some man, either the Secretary of War or the President, the power to appoint the board that tries the officer. Let the commanding general make the charges, for he is the proper one to do it.

Mr. STEENERSON. I am willing to accept that suggestion.

Mr. KEIFER. The President can do it in the Regular Army.

Mr. HULL of Iowa. Oh, yes; he does. I think that ought to be guarded. Now, I do not care to antagonize this committee. I am a member of the Committee on Militia and proud of it, although I do not work much at it. I will say that when the Secretary of War and the chairman of the committee and myself were discussing that they thought this amendment would be all right. But the committee decided that they would not accept it. I feel like testing the opinion of the House, and at the proper time I shall move, on page 2, after the words "field artillery," to insert "to be organized by the President, as provided for the Regular Army by the present law or regulations." Mr. Speaker, I reserve the balance of my time.

Mr. STEENERSON. Mr. Speaker, as to the first objection of the gentleman from Iowa, it is true that the original bill was reported. It struck me to be a very easy way out of the matter—that is, to strike out all of that page and simply give the authority of the President to prescribe the organization. The gentleman from Iowa [Mr. HULL] is correct in stating that I at first thought I would favor that when the Assistant Secretary of War and myself went and called upon the gentleman in his committee room; but upon consideration, when the full committee was in attendance, with the exception of the gentleman from Iowa, who was too busy with his Committee on Mil-

itary Affairs to attend, we came to the conclusion that it was a mistake to act upon that suggestion, and for this reason—and I think the House and the gentleman from Iowa, if he will give me his attention, will see it:

The act of 1889 prescribes the organization for the District Militia. That is a statute; it is an act of Congress. To change that act of Congress requires another act of Congress. That is the object of the present proposed act of Congress. In this act we can propose that for the future the President may change the organization prescribed. We can authorize the President of the United States to change the organization herein prescribed by a future order, an executive order; but it would hardly be competent for us in this act to authorize him by executive order to repeal the act of 1889. This bill with that part stricken out which the gentleman proposes to strike out will leave the old sections of the act of 1889 regarding organization unrepealed. Furthermore, the logical and correct way is to prescribe by act of Congress what the organization of the District Militia shall be, and then to give this authority to the President, for the future, to change it where change may become necessary, in order to make it conform to the changing conditions and organizations of the Regular Army. We in effect would authorize a repeal by executive order.

Mr. HULL of Iowa. Mr. Speaker, right on that point, the gentleman says that we can not let the President change the present organization. We have got to fix a specific organization in order to allow him to have the power to change. Now, you have a specific organization here. You provide in this bill that the National Guard shall consist of certain officers and men, certain organizations. I want to ask the gentleman this question: If we put right in this law this language—

To be organized by the President as now provided for the Regular Army by law or regulation.

Are we not repealing everything that now stands as to the organization; and when the President acts, is it not as lawful to change the old organization as the provision below there which says that the President of the United States shall have power to alter, divide, consolidate, disband, and reorganize? Is it not the same power to now make the organization as prescribed by law for the Regular Army—is it not giving him absolute power just as you gave him power below to change all that we now enact?

Mr. STEENERSON. This matter was considered by the committee, and we have some eminent lawyers on that committee. I am very sorry that we did not have the benefit of the opinion of the gentleman from Iowa, but we did not agree with the gentleman from Iowa.

Mr. HULL of Iowa. This is all good natured with all of us. I am not antagonizing, but I want to ask the gentleman now if you can give power, from section 12 down, to the President to change every organization in the bill, can not you give him power, when we enumerate what we have given to him—the organization now provided by law? Then, if there is any variation in the organization we are not responsible for it.

Mr. STEENERSON. As a prelude to that, I would ask the gentleman if he conceives a difference between authorizing the President to do a thing for the future and authorizing the President to repeal an act of Congress?

Mr. HULL of Iowa. We repeal the act by this language. He does not repeal the act of Congress; we do it. He is acting under authority of law. Let me make it a little clearer. The law now requires all military militia organizations to comply with the organization of the Regular Army.

The President is Commander in Chief of the Army and Navy, and he is Commander in Chief of the District Militia. If we authorize him to organize the District Militia, he can not do it without this language, because the law fixes it. He has to have power to change that in order to do it. By adopting this language, do we not give him power to organize it as now prescribed by the Regular Army, so as to comply with the Dick bill, and when that is done you have no use for 5 or 6 pages of this bill.

Mr. STEENERSON. What is the objection to doing what we ought to do? We ought to prescribe by act of Congress what the organized militia shall consist of, and it seems to me that the only object which can be attained by the gentleman's suggestion is to save a few sections or a few words.

Mr. HULL of Iowa. We would save about 4 or 5 pages here that this House is not at all familiar with and which it does not know whether it complies with the Regular Army or not. But there is one thing certain. If we adopt this, it is the law, and Congress is responsible.

Mr. STEENERSON. I will say to the gentleman from Iowa that we tried very hard to get him to be present at the committee meeting.

Mr. HULL of Iowa. That is very true, and it was purely my fault.

Mr. STEENERSON. Not only that, but we sent for him and notified him, and the chairman of the committee took it upon himself to go to the gentleman with the Assistant Secretary of War and with the adjutant-general of the District of Columbia and explain this matter to him, and he expressed himself as satisfied, as I recall it, though he thought it was more convenient to have a short bill than a long bill; but the gentleman from Iowa did not suggest then that there was anything wrong about these provisions.

Mr. HULL of Iowa. No; the gentleman from Iowa simply suggested this—that there was a large staff that looked to him like it was too large. The gentleman from Iowa is not going to criticize, but the gentleman from Iowa and the Members of the House are not certain that a division of the national guard as small as is the District of Columbia Militia should have such a staff as this. The gentleman from Iowa is perfectly willing to leave that to the War Department, under the law regulating the organization of the Regular Army. If the Regular Army will then require it, let them do it.

Mr. STEENERSON. The gentleman from Iowa will understand and admit that the Assistant Secretary of War expressly stated that this was exactly the same organization he would wish if he were allowed blanket authority to do so. You recollect that.

Mr. HULL of Iowa. Oh, certainly.

Mr. STEENERSON. Now, what is the objection—

Mr. HULL of Iowa. My point is, I would rather for them to do it than Congress.

Mr. STEENERSON. I would rather Congress would stand up like a man and pass its own bills.

Mr. HULL of Iowa. If I had my way I would not make the staff so large for such a small organization.

Mr. AMES. There are several considerations to be considered in a measure of this sort, and one was that such a bill would be a model for the States to follow in conforming to the Dick law. Now, with your proposed amendment you say several of these pages would become unnecessary, did you not?

Mr. HULL of Iowa. I did, and I would propose, if this is adopted, to strike them out.

Mr. AMES. The committee decided, regretting your forced absence, that we wanted to frame a bill such as would serve as a model for other States in conforming their militia legislation to the Dick bill, and so these several pages became specifications of what should be done. Put in your amendment to strike this out, and it ceases to be a model for other States.

Mr. HULL of Iowa. Let me ask the gentleman a question. Is not this simply following the New York law?

Mr. AMES. I do not understand so.

Mr. HULL of Iowa. My understanding from the chairman of the committee and others is that it is.

Mr. AMES. The committee was informed this was following the desires and recommendations of the War Department, and not New York State.

Mr. HULL of Iowa. My understanding is that you form a model on a model by readopting a model.

Mr. STEENERSON. I will say to the gentleman from Iowa that we had before the Committee on Militia not only the laws of New York, but 15 or 20 different statutes. We had a collection of statutes, including even the statutes of Iowa, Minnesota, Massachusetts, and New York, and this matter was gone over very carefully, and, as I understood, the gentleman from Iowa was perfectly satisfied with the provision.

Mr. HULL of Iowa. I have never been satisfied to reenact into positive law such a staff organization and I have expressed myself this way. If we strike out the other and give the President absolute power—of course he acts through the War Department, and their decision then would conform to the laws of the Regular Army—I would be satisfied with their organization.

Mr. STEENERSON. The gentleman from Iowa admits, then, if we strike this out then and leave to the War Department the authority to prescribe what the organization shall be that they would immediately issue an order prescribing exactly the same organization and same staff corps as are provided for here.

Mr. HULL of Iowa. If the law requires it, I suppose they would. But it seems to me, in all fairness, I will say to my friend from Minnesota, that the staff organization provided for in this bill is so exceedingly top-heavy that the War Department would hesitate a long time before they would become responsible for issuing the order.

Mr. STEENERSON. I beg to differ with the gentleman. It is not top-heavy, and General Oliver stated in the gentleman's presence he would issue an order prescribing exactly the same

organization and same staff. The objection was suggested to him by the gentleman from Iowa, and he answered it was not top-heavy, that it was only in conformity with the organization of the Regular Army, and he would issue an order prescribing exactly the same thing.

Mr. HULL of Iowa. Then I will ask the gentleman, who is very familiar with military matters, if he does not regard an organization top-heavy with an adjutant-general, an assistant adjutant-general, in addition to an adjutant-general of the regiment and three battalion adjutants of the regiment; that is ten adjutants for two regiments. Now, is not that a little top-heavy?

Mr. STEENERSON. I will answer the gentleman from Iowa that the gentleman from Minnesota does not pretend to be an expert on military affairs; but he does realize this, that "a little learning is a dangerous thing," and there are some people on the floor of this House that know so much about military matters that nobody can understand them.

Mr. HULL of Iowa. I have no doubt of that. It is the hardest work in the world for a fellow to understand himself. Remember that each regiment has a quartermaster and 3 battalion quartermasters. You have 4 quartermasters to a regiment. And then you have a quartermaster's department, which will consist of 1 quartermaster with the rank of major, and 1 quartermaster with the rank of captain, and 2 post quartermaster-sergeants. You have a quartermaster-sergeant in every company in the regiment.

Mr. STEENERSON. Would it not be necessary if you wanted to have a larger militia in the District of Columbia?

Mr. HULL of Iowa. If you had enough to form a full brigade, then I would concede that your model might be all right. Suppose we have war to-morrow. That is what this militia is for—to form the first line of defense. All of these staff officers would be taken into action, and the organized Guard of the District of Columbia would be compelled to go with some other State in order to form a brigade, and then you would have a double force of staff officers all through.

Mr. STEENERSON. I think the gentleman is entirely mistaken when he says the staff officers would be taken out in the field in case they are called out by the United States Government.

Mr. HULL of Iowa. The law requires that they shall be taken in case of war.

Mr. STEENERSON. You have your own staff corps when you organize your army.

Mr. HULL of Iowa. A volunteer army, yes. There is another bill for that purpose that is entirely independent of the national guard measures.

Mr. STEENERSON. You would not use this staff corps at all?

Mr. HULL of Iowa. You go into camp here with the ten-day maneuvers and you have got all of these different staff officers in the field, and also in case of riot. They are of no value to the officers of the army. It does not amount to very much, but it is a top-heavy organization, and I would prefer, as I said before, for the War Department to be responsible for it than for Congress to solemnly enact it into law.

Mr. STEENERSON. I would like the House to understand the gentleman's position. He prefers to have the War Department prescribe what the organization shall be instead of having it done by act of Congress. That is, we ought to shirk our duty in legislating for the militia.

Mr. HULL of Iowa. The gentleman is entirely mistaken in that. What I propose here is to give the President the power to organize this guard under the provision's regulation. They have the same force as law, as the gentleman knows. I would give him absolute power to conform to this, but you propose to enact into law the entire staff corps on the theory that it is required by law. Now, if that is true, if your contention is correct that this absolutely conforms to the organization of the Regular Army, no harm can be done by my amendment. If you should happen to be mistaken in that the War Department and the President are limited by the law requiring an organization on the regular army basis, when they come to make the organization they have got to lop off some of these things.

Mr. STEENERSON. Does the gentleman know that the State of Iowa has a similar provision, first prescribing what the organization of the militia shall be, and then giving the blanket authority to the governor?

Mr. HULL of Iowa. Yes; and the gentleman from Iowa further knows that we have a full brigade in Iowa, so we are entitled to a brigade organization.

Mr. STEENERSON. Massachusetts has the same thing. It seems to me that here we ought to have a skeleton big enough so that we can fill it up. This does not cost anything. We

ought to have the machinery. The State of New York, the State of Ohio, and every other State having a law governing the militia has a similar provision. This is only a technicality, and it seems to me rather too critical an objection.

Mr. HULL of Iowa. Not critical at all. I am liberal.

Mr. STEENERSON. We certainly tried to satisfy the gentleman, but it seems to be impossible. I will say that I can not believe the suggestion is a wise one. I think it would hurt the bill very much to accept the suggestion.

The SPEAKER pro tempore. The Clerk will read the bill by section.

The Clerk read as follows:

Be it enacted, etc., That the following amendments are hereby made to an act of Congress entitled "An act to provide for the organization of the Militia of the District of Columbia, and for other purposes," approved March 1, 1889:

Strike out the whole of section 10 and insert in lieu thereof the following:

"Sec. 10. That the organized militia shall be composed of volunteers, and shall be designated the National Guard of the District of Columbia."

Strike out the whole of section 11 and insert in lieu thereof the following:

"Sec. 11. That the national guard shall consist of one brigadier-general, an adjutant-general's department, an inspector-general's department, a judge-advocate-general's department, a quartermaster's department, a subsistence department, a medical department and hospital corps, a pay department, a corps of engineers, an ordnance department, a signal corps, a coast artillery corps, 2 regiments and 1 separate battalion of infantry, 4 companies of coast artillery, a troop of cavalry, and 1 battery of field artillery: *Provided*, That the President of the United States, the Commander in Chief, shall have power to alter, divide, annex, consolidate, disband, or reorganize the same whenever in his judgment the efficiency of the forces will be thereby increased, and he shall at any time have power to change the organization of departments, staff corps, regiments, battalions, companies, troop, and battery so as to conform to any organization, system of drill, or instruction now or hereafter adopted for the Army of the United States or the organized militia, and for that purpose the number of officers and non-commissioned officers of any grade in departments, staff corps, regiments, battalions, companies, troop, and battery may be increased to the extent made necessary by the new positions thus created."

Mr. HULL of Iowa. I do not desire to debate the bill any further, but I move to amend by inserting after the word "artillery," in line 11, page 2, the words "to be organized by the President as now provided for the Regular Army by law or regulation."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Page 2, line 11, after the word "artillery," insert "to be organized by the President as now provided for the Regular Army by law or regulation."

Mr. AMES. Mr. Speaker, I hope this amendment will not prevail. The Committee on Militia is a full-grown committee. Its members are conscientious. It attends to its duties. It regrets that the chairman of the Committee on Military Affairs can not be present at its deliberations. It did its best to get his cooperation and assistance, and in its judgment and in the judgment of the War Department, and of the head of the National Association of Militia, and of Colonel Brett, who for a long time was in command of the militia, a regular army officer, it was believed that this was the proper form for the bill. In addition to that it made it a model for other States to follow in the alteration of their militia laws, so that they might conform to the requirements of the War Department. This bill represents the wisdom of the department and the wisdom of the committee. I think perhaps there may have been a slight feeling among the members, in their refusal to go against their first judgment to meet the suggestion of the gentleman from Iowa, a feeling of proper pride in their own capacity to do what was right and what seemed best, all things considered, when the gentleman from Iowa, a member of the committee, could not appear and be with them in their deliberations. I think if he had, and if he had gone into the matter as carefully as we did, he would have felt the justice of the position of the committee and would not have raised this opposition.

Mr. FLOYD. I am opposed to the amendment suggested by the gentleman from Iowa, and I desire to state my reasons for my objections.

The Committee on Militia have carefully considered this bill, and we have made it conform to the regulations of the Regular Army as nearly as may be. Now, the proposition of the gentleman from Iowa, as I understand it, is to eliminate these sections and give this power to the Secretary of War. I think that would be a dangerous proceeding. It would totally change the purposes of this section.

This section gives the President of the United States the authority to make certain changes in order to make the militia organizations conform to those of the Regular Army, but Congress must first define and determine what these organiza-

tions shall be in the Regular Army. Then we delegate to the highest officer in the country the authority to change these militia organizations to the extent of making them conform to those of the Regular Army and no further; but it seems to me that the amendment offered by the gentleman from Iowa gives the whole power to the Secretary of War in regard to these organizations, and takes away from Congress the power to fix these regulations. I am opposed to the amendment.

Mr. KEIFER. Mr. Speaker, I was not disposed to further interpose in this discussion. My impression was, on hearing the bill read, that it was top-heavy—that it had too much staff and too little militia at the bottom. A gentleman—Mr. Shallenbarger, who served with the greatest distinction in this House many years ago—told me of an incident that took place between himself and President Lincoln the night before he was shot, and it has some application here. Mr. Shallenbarger went to see President Lincoln about an appointment in the army. The war was about over. He went late at night and found the President sitting in his library, with his legs wrapped around each other, twisted in his not unusual way, with a toe under his ankle, as was usual, and he seemed to be very morose. Mr. Shallenbarger said he felt ashamed to intrude on him at that hour, and told him he would be glad to be excused. The President said to him: "Tell what you came for." Mr. Shallenbarger said: "Mr. President, I came to ask you to appoint a man in the staff of the army." Thereupon the President unwound himself, changed to a cheerful mood, arose, and said: "Your suggestion reminds me of a story." And he proceeded in his mimical way to relate it. It may have been his last story.

"There was a lady came upon the Sangamon River in Illinois at an early day that had the reputation of being able to make a white shirt with a collar and a bosom to it. An Irishman, who was about to get married, applied to her to make him a white shirt. She made it and starched it." I am abridging the story. "She took it to him and he put it on wrong end up. He then went back with it and said to her he wanted a shirt not all collar." Mr. Lincoln then said, "Now, Mr. Shallenbarger, you want all staff and no army." We have got a great deal of staff here in this District of Columbia militia bill; a great deal of collar, and very little shirt. And that is my objection to this bill. It would be partly corrected, largely perhaps, if the amendment of the gentleman from Iowa [Mr. HULL] were adopted. It happens under the modern system of camping and drilling for instruction that the Regular Army is often called out with the militia; and it is a wise mode of instruction, for the militia especially. Now, if we have any such establishment as this bill provides for, staff officers of such high rank, with large numbers of adjutants-general, inspectors-general, quartermasters, and so on, we will find that there will be a conflict, and that the staff of this militia will outrank the staff of the Regular Army in these annual drills. I have said enough to show that I am in favor of the amendment offered by the gentleman from Iowa.

Mr. STEENERSON. Mr. Chairman, I hope this amendment will not prevail. It not only does not improve the bill, but injures it. The bill as drawn provides for the organization of a staff that is no more than is necessary, corresponding with the army organization. If there should be any more, under this authority to abridge and discontinue organizations the President or Secretary of War can discontinue any office that may be thought to be more than necessary. But there is not any such. And it is admitted by the propounder of this amendment that the Secretary of War stated, and it is an undisputed fact, if the authority was left blank instead of prescribed, as it is in this bill, that he would issue an order creating these staff corps exactly as they are here.

Mr. SLAYDEN. I will ask the gentleman if it is not a fact, if the amendment offered by the gentleman from Iowa shall prevail, that then the organization of the District Militia will absolutely and exactly conform to the organization of the Regular Army?

Mr. STEENERSON. It will; and whether we accept it or not will not affect that.

Mr. SLAYDEN. If that is all you want, and it is absolutely certain under the amendment, why stickle for the language in the bill?

Mr. AMES. It not only does that, but does some other things.

Mr. STEENERSON. I do not think it leaves the matter clear. The gentleman from Iowa's amendment does not leave any discretion whatever in the President of the United States. It gives him the power to organize the District Militia as prescribed by law for the Regular Army organization. It is not

a dangerous power, because with it you give the President of the United States the right to change every one of the provisions of this bill if he desired to.

Mr. SLAYDEN. In the two clauses at the end of the paragraph?

Mr. STEENERSON. Why, certainly.

Mr. HULL of Iowa. My amendment simply makes it certain that the organization of the District Militia shall conform to the organization of the Regular Army, and your proposition makes it so that if it is the action of the Congress the President will say Congress declared that they desired it that way, and he will act accordingly. [Cries of "Vote!"]

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. STEENERSON. Division!

The House divided; and there were—ayes 27, noes 16.

So the amendment was agreed to.

Mr. HULL of Iowa. Now, Mr. Speaker, I move to strike out all of pages 3, 4, 5, 6, 7, 8, and down to the end of line 10 on page 9.

Mr. KEIFER. That will be in conformity with the amendment.

Mr. HULL of Iowa. Absolutely, and allow the entire organization to be made in accordance with that of the Regular Army.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read, as follows:

Strike out all of pages 3, 4, 5, 6, 7, 8, down to the end of line 10 on page 9.

Mr. MANN. These provisions which the gentleman from Iowa proposes to strike out now provide in detail for the officers of the militia?

Mr. HULL of Iowa. Yes.

Mr. MANN. And the gentleman's amendment would leave it so that the officers will be in accordance with those provided for in the Regular Army?

Mr. HULL of Iowa. Yes; both the regimental, battalion, and staff corps. In these provisions the organization of all the branches was provided for.

Mr. MANN. And this amendment will make it conform purely to the law organizing the Regular Army?

Mr. HULL of Iowa. Yes. These provisions were only a rehash of what is in the law with reference to the Regular Army, as far as the regimental, battalion, and staff organization was concerned.

Mr. STEENERSON. I would like to ask the gentleman from Iowa in what situation it will leave the organic act?

Mr. HULL of Iowa. You have repealed all of the organic act by my amendment.

Mr. STEENERSON. I think, in view of the adoption of the amendment, that this would necessarily follow.

Mr. HULL of Iowa. We have repealed the organic act prescribing the organization by the amendment which has just been adopted, placing it in the hands of the President.

Mr. STEENERSON. I think this ought to be stricken out.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 23 b. That whenever, in the opinion of the commanding general of the militia of the District of Columbia, an officer of the said militia has become incapacitated for the performance of duty for any reason, the commanding general shall submit the name of such officer to the Secretary of War, with a view to his being ordered before a board of examination, to be appointed by the said commanding general, which board shall examine said officer as to his physical, mental, and military qualifications.

Mr. HULL of Iowa. Mr. Speaker, I move to strike out the words "said commanding general," in line 16 of section 23 b, and insert the words "Secretary of War."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 11, line 16, strike out the words "the commanding general" and insert the words "Secretary of War."

Mr. AMES. Mr. Speaker, I would like to ask the gentleman from Iowa, chairman of the Committee on Military Affairs, if he is not a little bit inconsistent? By the force of his argument we have stricken out several pages on the plea that it was too heavy, and now he is topping a little militia organization in the District of Columbia with the Secretary of War instead of the commanding general.

Mr. HULL of Iowa. Is the gentleman from Massachusetts through with his question?

Mr. AMES. Yes.

Mr. HULL of Iowa. I would say, Mr. Speaker, that that question seems not to have been well considered before it was asked. The other matter was with reference to the organization. The object of the bill is to make the Regular Army and

the District of Columbia National Guard conform exactly. Here is a proposition by which the commanding general prefers charges against the officers or men of his command, and under the provisions of the law drawn by the gentleman from Massachusetts and reported by the committee the same commanding general appoints the judges to try the men, and I say it is placing altogether too much power in the hands of the commanding general.

Mr. AMES. Can not the Secretary of War do the same thing?

Mr. HULL of Iowa. No; the Secretary of War has none of the prejudices that come from intimate association such as the commanding general might have. I have no doubt that the commanding general would give a fair trial, but he might not; his prejudices might be so great that he might do the accused an injustice. The Secretary of War being above and beyond the associations with these officers, he can appoint a board and give them a fair trial.

Mr. AMES. I have no objection to the amendment; I am simply pointing out that the Secretary of War might do just what the gentleman says the commanding general would do.

Mr. HULL of Iowa. No; that is inconceivable; he has not the same associations.

The question was taken, and the amendment was agreed to.

The Clerk, proceeding with the reading of the bill, read as follows:

Following section 49 insert the following additional section:

"Sec. 49 a. That whenever the National Guard of the District of Columbia shall be ordered to duty in case of riot, tumult, breach of the peace, or whenever called in aid of the civil authorities, all enlisted men who do duty shall be paid at the rate equivalent to two times the pay of enlisted men of the Regular Army of like grade. Commissioned officers who do duty shall be entitled to and shall receive the same pay and allowances as commissioned officers of like grade of the Regular Army. Each mounted officer and enlisted man shall be paid a reasonable per diem compensation for each horse actually furnished and used by him: *Provided*, That when the National Guard of the District of Columbia is called into the actual service of the United States the officers and enlisted men shall, during their time of service, be entitled to the same pay and allowances as are or may be provided by law for the Regular Army."

Mr. HULL of Iowa. Mr. Speaker, on line 1, page 20, I move to insert, after the word "officer," the words "below the grade of major," so that it will conform to that of the Regular Army.

The Clerk read as follows:

On page 20, line 1, after the word "officer," insert the words "below the grade of major."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Sec. 54 b. That no action or proceeding shall be prosecuted or maintained against a member of a military court, or officer or person acting under its authority or reviewing its proceedings, on account of the approval or imposition or execution of any sentence, or the imposition or collection of fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court.

Sec. 54 c. That the jurisdiction of the courts and boards established by this act shall be presumed, and the burden of proof shall rest on any person asking to oust such courts or boards of jurisdiction in any action or proceedings.

Mr. DE ARMOND. Mr. Speaker, I wish to move to strike out sections 54 b and 54 c. I will, however, make my amendment in separate form.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Page 21, strike out section 54 b.

Mr. DE ARMOND. Mr. Speaker, there may be a good reason for that provision, and if there is I would be glad to hear what it is. It seems to entirely exempt from all sort of remedial procedure anybody and everybody connected with one of these courts-martial, whether it is proceeding regularly or in good faith or the reverse. Some member of the committee doubtless can explain the purpose and scope of it, and I would be glad for one to hear from him.

Mr. STEENERSON. I yield to the gentleman from Massachusetts [Mr. AMES].

Mr. AMES. Mr. Speaker, this was suggested by General Davis, of the War Department. This has all been gone over most carefully by the department. All actions by courts-martial, summary courts, and others are reviewed by the commanding general or Secretary of War, the President of the United States, if you please, and this is to prevent, on the face of it, action against a man performing what he considers to be his duty as a member of a court. It is simply preserving the integrity of a court. That is all it is for and all it is meant for.

Mr. DE ARMOND. It seems to me it goes too far. There is no such exemption to those who act in the civil courts. There might be such a thing as an entirely unwarranted proceeding.

Mr. STEENERSON. I would say that I believe similar provisions are in all of the state laws, including the State of Missouri.

Mr. DE ARMOND. That may be, but that is not a very strong presumptive suggestion. I do not know whether it is true or not.

Mr. HULL of Iowa. Mr. Speaker, I think my friend from Missouri will readily admit that it is rather an unusual thing to give permission to sue a court. If the court-martial unjustly sentences a man, it does not deprive the convicted party of his rights under the law to immediately appeal and be relieved of any punishment, but if you can harass the court all the time, men would hesitate to sit on a court-martial, I should imagine.

Mr. DE ARMOND. I understand that, but it seems to me this is too broad. This might be a case, exceptional, if you please, where the prosecution would be malicious, or where there would be inflicted upon the person prosecuted, in the course of the prosecution, hardships and wrongs for which there would be no warrant. It might be a case where there was a finding or an execution of a finding or an attempt at execution of a finding, which would amount to great and malicious oppression and wrong, and yet the language is broad enough to entirely protect the willful wrongdoers from any prosecution or suit for damages.

Of course I understand that one dealing with causes in a judicial capacity or an administrative capacity in the military courts or in the civil courts is ordinarily, and ought to be, protected from any prosecution, civil or criminal; but it seems to me that this section ought in itself to negative and ought to leave as an exception oppressive conduct, unwarranted conduct, conduct that clearly is not within the scope of duty or law. Under this provision I take it that in the grossest kind of a case, in a case of the grossest abuse or the grossest assumption of power, there would be no redress whatever. That surely is not the intention. By modifying this a little all abuse might be entirely avoided and obviated. What I suggest is that the provision is too broad. The language not only covers the numerous cases which it ought to cover, but it is broad enough to cover cases which it ought not to cover.

Mr. STEENERSON. The gentleman from Missouri certainly will agree with me that we could not take away any right that a man might have where the court acts beyond its jurisdiction.

Mr. DE ARMOND. I do not know about that. We ought not to assume to do it.

Mr. STEENERSON. We are simply protecting the members of the court.

Mr. DE ARMOND. We ought not to assume to do it. The question of whether we can do it or not is a question that would arise if there were an abuse. We ought not to assume or attempt to do it.

Mr. STEENERSON. We have a right, and we ought to protect the members of the court from harassing suits.

Mr. DE ARMOND. That is true.

Mr. STEENERSON. And it will never be construed to mean to take away a man's constitutional right to remedy if he has been wronged by a trespasser who acted beyond the authority of the court.

Mr. DE ARMOND. The language is just as broad as it can be:

No action or proceeding shall be prosecuted or maintained against a member of a military court, or officer or person acting under its authority or reviewing its proceedings on account of the approval or imposition or execution of any sentence, or the imposition or collection of fine or penalty, or the execution of any warrant, writ, execution, process, or mandate of a military court.

Mr. STEENERSON. Is not that right?

Mr. DE ARMOND. It is too broad.

Mr. STEENERSON. It can not be any less broad and serve the purpose. Has the gentleman looked into this matter especially?

Mr. DE ARMOND. No.

Mr. STEENERSON. Well, it is the only way you can protect the members of the court.

Mr. DE ARMOND. My colleague [Mr. ALEXANDER] suggests that an improvement be made by inserting the phrase "in the absence of malice or oppression." That certainly would improve it very much, I think, and yet it would answer every proper purpose.

Mr. STEENERSON. I do not see that the insertion of the word "malice" would make any difference.

Mr. DE ARMOND. It would make a lot of difference.

Mr. STEENERSON. Suppose a court-martial might sentence a man to be shot. You would not want the men who did the shooting—who were ordered to do it as a matter of duty—to be indicted and prosecuted for that, because they would be entirely following orders.

Mr. DE ARMOND. Of course not.

Mr. STEENERSON. This provision is not a new provision to this bill. It is an old provision that is inserted in all laws regarding court-martial statutes for the militia. I do not believe that the suggested amendment would improve it. I think it would distort it very much.

Mr. DE ARMOND. Well, I think not; but I do not care to take more time, and I will just let the motion stand to strike out 54 b.

The SPEAKER pro tempore. The question is upon agreeing to the amendment of the gentleman from Missouri.

The question was taken, and the amendment was rejected.

Mr. DE ARMOND. Mr. Speaker, I move to strike out section 54 c.

The SPEAKER pro tempore. The gentleman from Missouri moves an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out section 54 c, page 21.

Mr. DE ARMOND. Mr. Speaker, it will be observed that that section follows and supplements the preceding section, 54 b, which the committee voted not to strike out. Section 54 c provides—

That the jurisdiction of the courts and boards established by this act shall be presumed, and the burden of proof shall rest on any person asking to oust such courts or boards of jurisdiction in any action or proceedings.

Now, I admit I have not studied this subject and am not very intimately acquainted with it, so the reasons for this do not exactly occur to me, and I will be glad for some member of the committee to state them.

Mr. STEENERSON. I will say that this is not a new provision to this bill. It is contained in every act governing the militia of the different States, and I think it is reasonable that the courts be presumed to be legal and not the reverse, and it seems to me it is a proper protection around a court-martial.

Mr. DE ARMOND. It is a pretty good protection for the court, possibly, but it is not so good for the persons brought before the court.

Mr. STEENERSON. Oh, yes. Of course we could not make it conclusive presumption; it can be overcome by evidence.

Mr. DE ARMOND. I understand.

Mr. STEENERSON. It is the same presumption that prevails in fact in any civil court. They are presumed to be legal and to have jurisdiction, and if you allege want of jurisdiction you must show it, and it is the same thing here.

Mr. DE ARMOND. Mr. Speaker, it will be seen that this provision is, as this entire law is in fact, for the District of Columbia Militia. Now, then, in time of peace, or in any time, in any proceeding in which any board or commission may take cognizance of a case, if this provision stands, it is to be presumed that there is jurisdiction.

Now, I can understand how in time of war, in the army and in the army organization, where arbitrary means might seem to be necessary, there might be such a provision as that incorporated and possibly be valuable, but for an ordinary regulation for the militia in time of peace to presume when a militia organization, a court, or board assumes to take jurisdiction of a matter that it has jurisdiction, so that every one over whom it attempts to exercise this jurisdiction has placed upon him the burden of showing that it has not jurisdiction, that seems to me to be going a long way. Now, whether this be found in other enactments or not is not conclusive of the question whether it should be here. It is all well enough to provide for the militia; it is all well enough to have these courts-martial and boards, but it is going a little far, it seems to me, when they can be called into existence so easily, when they may be called into existence when there is no occasion for them, owing to some pique or some little disturbance incident to the organization, to conclude or to go a long way toward concluding the question of jurisdiction by presuming it.

The question of jurisdiction is one that ought to be open and one which very fairly could be well left, it seems to me, to be disposed of when it arises. The question being raised with this provision in, the board or court-martial says: "We have jurisdiction; that is presumable. If you question our jurisdiction, convince us, if you can, that we haven't it."

It seems to me this is an unnecessary thing. It does not add to the efficiency of the militia, and it tends to lessen the rights of the individual militiaman, who is a citizen, who is not in the army except in a tentative way, who is in civil life, who is in the course of preparation for the duties of army life, if there be occasion for it. Whatever is given to the board, whatever is given to the court-martial, is that much taken from him, the citizen, and it seems to me that there is no necessity for taking so much from him.

If it meets any particular cases, which I suppose we could easily imagine and which might readily arise, it might prove to be burdensome upon the citizen and of no benefit to the organization. If this bill be passed or be not passed, the efficiency of the militia will certainly not be lessened by the elimination of this provision. On that theory I move to strike it out.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Missouri [Mr. DE ARMOND].

Mr. STEENERSON. I hope the amendment will be voted down. It is simply giving this court the presumption that is given to all other courts, and this change is not asked for, as I understand it, by members of the militia. The members of the militia and officers have expressed themselves satisfied with the provision as it stands.

Mr. MACON. I dislike to disagree with the gentleman from Missouri [Mr. DE ARMOND] on a legal proposition. I know his judgment is always good, but he, like other men, can sometimes get an idea in connection with a thing that does not agree with the ideas of others. In this particular instance he has advanced a proposition that does not accord with my idea of the correct thing to do in connection with this matter.

I do not understand why this court should be deprived of its jurisdictional presumption when it is allowed to all other courts. The jurisdiction of civil and criminal courts are presumed, and when attack is made upon any matter pending before them on jurisdictional grounds the burden necessarily rests upon the attacking party to show that the court has not the jurisdiction that it assumes. And so it would be here. When the military court undertook to act and an objection was raised to its jurisdictional right to proceed, all that would have to be done would be to show, just as it would have to be shown in other courts, that it did not have proper jurisdiction of the matter before it. But until that was done it looks like the presumption ought to remain that the court is proceeding within its jurisdictional right.

Mr. DE ARMOND. Mr. Speaker, just one word more. The question here really is whether there is to be any presumption indulged. Now, as suggested by the gentleman from Arkansas [Mr. MACON], the question of jurisdiction may be raised in any court. The further question is, What happens when it is raised? Do you presume that it exists, or do you not indulge any presumption about it? I am taking the position that as to a matter of this kind there ought not to be any presumption indulged, neither a presumption that jurisdiction does not exist or does exist.

I think the line in regard to presumptions as applied to courts is about this: That as to courts of general jurisdiction, when that kind of a court takes cognizance of any proceeding, the presumption in favor of its jurisdiction lies because its jurisdiction is general, and the presumption is that that particular case and the particular persons with whom it would deal in that case fall within the lines of that general jurisdiction. But as to an inferior court, no presumption of jurisdiction ever lies in favor of it. The question being raised, it has to be determined without any presumption, or if there be any presumption involved, it is against jurisdiction, because the court has only a limited and special jurisdiction, and, therefore, so far as presumptions go, it is presumed not to have jurisdiction of the particular case or the particular person. Now, if that philosophy be applied here, there ought to be no presumption in favor of this kind of an inferior court having jurisdiction. Here is a militia court, and not only a militia court, but a militia board. And the question arising as to whether it has jurisdiction of a particular person or of a particular matter, the proposition is to provide by law that jurisdiction shall be presumed. I think, applying the principles that we apply ordinarily in our courts, that this presumption ought not to be indulged here, and certainly it ought not to be enforced by an enactment such as this would propose. It is an inferior tribunal if it is a militia court-martial. It is still more inferior if it is a militia board—some anomalous, indefinite sort of thing, inferior to a court-martial. Now, then, whether it has jurisdiction or not is a question that ought to be determined, subject to review, if that question arises. I do not ask a presumption against its jurisdiction. The question of jurisdiction can take care of itself. I think the provision is not in harmony with the general principles governing such matters, and that in some instances it might be dangerous, provided it be valid. If it be not valid, it ought not to be put into the law; and if it be valid and objectionable, for that reason it ought not to be put into the law.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken, and the Speaker pro tempore announced that the yeas seemed to have it.

Mr. DE ARMOND. Mr. Speaker, I would like to have a division on that.

The House divided; and there were—ayes 19, yeas 27.

So the amendment was lost.

The Clerk read as follows:

Following section 63 insert the following additional sections:

"SEC. 64. That a reserve corps of the National Guard of the District of Columbia is hereby organized, to consist of honorably discharged officers and men of the Army, the Navy, and the Marine Corps of the United States, honorably discharged officers and men of the organized militia of any State or Territory who are residents of the District of Columbia, and honorably discharged members of the National Guard of the District of Columbia whose military training and physical condition shall conform to the standard determined by regulations to be promulgated by the President of the United States: *Provided*, That the term of enlistment in the reserve and the military duties and obligations required of reservists shall be determined by regulations to be promulgated by the President of the United States: *Provided further*, That when called out for military duty reservists shall receive the same pay and allowances as officers and men of like grade on the active list of the National Guard of the District of Columbia.

Mr. DE ARMOND. Mr. Speaker, this word "reservists." I know not what that means, and I move to strike it out, and insert whatever the committee may suggest.

Mr. AMES. Members of the national guard leaving the service are reservists. They are on the reserve corps.

Mr. STEENERSON. It is the proper term.

Mr. AMES. I do not know of a better term.

Mr. DE ARMOND. I withdraw my amendment. The gentlemen seem to be entirely satisfied with the term, and I would not desire to interfere with them.

The Clerk resumed and concluded the reading of the bill.

The bill was ordered to be engrossed for third reading, and being engrossed, it was accordingly read the third time and passed.

On motion of Mr. STEENERSON, a motion to reconsider the vote by which the bill was passed was laid on the table.

MESSAGES FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. Latta, one of his secretaries.

ENROLLED BILLS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolution and bills:

H. J. Res. 208. Joint resolution providing for expenses of the House Office Building;

H. R. 17707. An act to authorize William H. Standish to construct a dam across James River, in Stone County, Mo., and divert a portion of its waters through a tunnel into the said river again to create electric power; and

H. R. 22879. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved January 23, 1908.

HARRIMAN V. THE INTERSTATE COMMERCE COMMISSION.

The Speaker pro tempore laid before the House the following message from the President of the United States (S. Doc. No. 634), which was read, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed:

To the Senate and House of Representatives:

The recent decision of the Supreme Court of the United States in *Harriman v. The Interstate Commerce Commission* seems to render advisable further legislation in the way of amendments to the existing law which will confer upon the Interstate Commerce Commission, so far as the Congress has constitutional power to do so, the authority claimed for it in the case recently decided against it by the Supreme Court. Mr. Justice Day, in delivering the dissenting opinion, concurred in by Mr. Justice Harlan and Mr. Justice McKenna, says in part:

"The function of investigation which Congress has conferred upon the Interstate Commerce Commission is one of great importance, and, while of course it can only be exercised within the constitutional limitations which protect the individual from unreasonable searches and seizures and unconstitutional invasions of liberty, the act should not be construed so narrowly as to defeat its purposes."

Apparently the language of the act is such that there is danger lest the last-mentioned result will unavoidably ensue upon the authoritative construction placed thereon by the Supreme Court, and it is therefore obvious that the Congress should amend the act and change the language so as explicitly to empower the commission to require by subpoena the attendance and testimony of witnesses and the production of all books and papers relating to any matter under investigation, and this by virtue of the powers conferred upon the said commission by any section of the law under which it is acting, or of any act amendatory thereof, so as to aid it in ascertaining facts upon which it can recommend any additional legislation in reference to the regulation of commerce that it may conceive to be within the power of the Congress to enact.

I further recommend that the commission be explicitly empowered by order to postpone the application of any increase of rates by any

railroad pending examination by the said commission into said increase to see whether or not it is justified. The regulation of the railroads should be put as completely as possible in the hands of the commission, for it can only be rendered effective by being put completely under the control of some branch of the National Executive, the action of this branch to take effect immediately.

THE WHITE HOUSE, January 6, 1909.

THEODORE ROOSEVELT.

PANAMA RAILROAD COMPANY.

The SPEAKER pro tempore also laid before the House the following message from the President (S. Doc. No. 632), which was read and, with the accompanying document, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress, the Fifty-ninth Annual Report of the Board of Directors of the Panama Railroad Company for the fiscal year ended June 30, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 5, 1909.

SALARIES IN THE EXECUTIVE DEPARTMENTS.

The SPEAKER pro tempore also laid before the House the following message from the President (S. Doc. No. 638), which was read and, with the accompanying document, referred to the Committee on Appropriations and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith for the consideration of the Congress a revised statement, prepared by the Committee on Grades and Salaries under the executive order of June 11, 1907, for the reclassification and readjustment of salaries in the executive departments, and estimates of appropriations based thereon.

The reclassification of employees should be authorized now, even if the additional appropriation suggested can not now be made. The existing classification does not meet the needs of the service. The basis of the reclassification is character of work rather than amount of salary; it would avoid the need of special positions and result in much higher efficiency.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 6, 1909.

ADJOURNMENT.

Mr. MANN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 18 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a statement of travel by officers and employees of his department for the year ended June 30, 1908 (H. Doc. No. 1284)—to the Committee on Expenditures in the Treasury Department and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of appropriation for the Marion Branch of the Soldiers' Home (H. Doc. No. 1285)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a list of books and papers of no further use in his department (H. Doc. No. 1286)—to the Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sophronia A. Woods, administratrix of estate of Isaac Johnson, against The United States (H. Doc. No. 1287)—to the Committee on War Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. DIXON, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 25391) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1820), which said bill and report were referred to the Private Calendar.

Mr. DRAPER, from the Committee on Pensions, to which was referred the bill of the House (H. R. 25409) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war, and to widows and dependent

relatives of such soldiers and sailors, reported the same with amendment, accompanied by a report (No. 1822), which said bill and report were referred to the Private Calendar.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of the following bills, which were referred as follows:

A bill (H. R. 19373) granting an increase of pension to James Bond—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24812) granting a pension to Hugh Morgan—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24991) granting a pension to Louis Miller—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24994) granting pay to heirs of Tyre Kelly—Committee on Invalid Pensions discharged, and referred to the Committee on War Claims.

A bill (H. R. 25133) granting a pension to Clarence S. Johnson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 24133) granting an increase of pension to Eleanor A. McCardell—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 25192) for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy—Committee on Invalid Pensions discharged, and referred to the Committee on Claims.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. GARDNER of Michigan, from the Committee on Appropriations: A bill (H. R. 25392) making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1910, and for other purposes—to the Union Calendar.

By Mr. STURGISS: A bill (H. R. 25393) to establish a fish-cultural station in Tucker County, in the State of West Virginia—to the Committee on the Merchant Marine and Fisheries.

By Mr. JENKINS: A bill (H. R. 25394) amending chapter 591 of the United States Statutes at Large, Fifty-sixth Congress, approved May 26, 1900, entitled "An act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wis."—to the Committee on the Judiciary.

By Mr. SHERMAN: A bill (H. R. 25395) granting and ceding to the State of Colorado certain lands heretofore included in the Fort Lewis Military Reservation—to the Committee on Indian Affairs.

By Mr. NEEDHAM: A bill (H. R. 25396) for the relief of applicants for mineral surveys—to the Committee on Mines and Mining.

By Mr. HAWLEY: A bill (H. R. 25397) appropriating money to operate and maintain the dredge on the coasts of Oregon and Washington—to the Committee on Rivers and Harbors.

By Mr. HUGHES of New Jersey: A bill (H. R. 25398) to establish a fish-cultural station in the State of New Jersey—to the Committee on the Merchant Marine and Fisheries.

By Mr. SMITH of Michigan: A bill (H. R. 25399) for the extension of Franklin street NE. from its present eastern terminus east of Twenty-fourth street to the Bladensburg road—to the Committee on the District of Columbia.

By Mr. KAHN: A bill (H. R. 25400) to change the name of the Washington Hospital for Foundlings—to the Committee on the District of Columbia.

By Mr. STEPHENS of Texas: A bill (H. R. 25401) authorizing the Secretary of the Interior to complete the final rolls of the Choctaw and Chickasaw tribes of Indians in Oklahoma—to the Committee on Indian Affairs.

By Mr. HUBBARD of Iowa: A bill (H. R. 25402) providing for the erection of a federal building at Le Mars, Iowa—to the Committee on Public Buildings and Grounds.

By Mr. CLARK of Florida: A bill (H. R. 25403) to provide for the purchase of sites and for the construction of post-office buildings in certain towns in the United States, and to provide for the issuance and sale of interest-bearing certificates for the creation of a fund for the purchase of such sites and the construction of such buildings—to the Committee on Public Buildings and Grounds.

By Mr. TAYLOR of Alabama: A bill (H. R. 25404) to authorize the construction and operation of a ship canal or channel along the western shore of Mobile Bay—to the Committee on Rivers and Harbors.

By Mr. GAINES of Tennessee: A bill (H. R. 25405) to change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee—to the Committee on the Judiciary.

By Mr. JONES of Washington (for Mr. CUSHMAN): A bill (H. R. 25406) authorizing the settlement or adjustment of legal disputes concerning tide lands adjacent to the harbor of the city of Tacoma—to the Committee on Indian Affairs.

By Mr. VOLSTEAD: A bill (H. R. 25407) transferring the Indian school at Morris, Minn., to the State of Minnesota for an agricultural school—to the Committee on Indian Affairs.

By Mr. SABATH: A bill (H. R. 25408) to provide compensation for injuries to employees while solely engaged in interstate and foreign commerce, the handling, dispatching, or sorting of the mail or postal matter on cars or vessels, to which the regulative power of Congress extends under the Constitution of the United States, and to create a commission of injury awards, and granting powers and an appropriation to said commission—to the Committee on the Judiciary.

By Mr. MORSE: A bill (H. R. 25410) to prevent the destruction of forests by fire from locomotive engines—to the Committee on Interstate and Foreign Commerce.

By Mr. LORIMER: A bill (H. R. 25411) to provide for obtaining lands and other property necessary for the construction, repair, and preservation of certain public works in the interests of commerce and navigation at Sault Ste. Marie, Mich.—to the Committee on Rivers and Harbors.

By Mr. SLEMP: A bill (H. R. 25412) for the incorporation of a company for the benefit of its members—to the Committee on the District of Columbia.

By Mr. ANDREWS: Resolution (H. Res. 471) providing for compensation for a clerk in the office of disbursing clerk—to the Committee on Accounts.

By Mr. LASSITER: Resolution (H. Res. 472) directing the Secretary of War to furnish the House with certain information concerning Cuba—to the Committee on Foreign Affairs.

By Mr. GARDNER of Massachusetts: Resolution (H. Res. 473) providing for amendment of the rules of the House—to the Committee on Rules.

By Mr. CASSEL: Resolution (H. Res. 474) providing for the payment of a stenographer to the Clerk of the House—to the Committee on Accounts.

By Mr. HAWLEY: Joint resolution (H. J. Res. 221) providing for the operation of the dredge to increase channel widths and depths in the inner harbor of Coos Bay, Oregon—to the Committee on Rivers and Harbors.

By Mr. LANGLEY: Joint resolution (H. J. Res. 222) authorizing the Secretary of War to present a sword to Capt. George M. Jackson—to the Committee on Military Affairs.

By Mr. SMITH of California: Joint resolution (H. J. Res. 223) to allow the city and county of San Francisco to exchange lands for reservoir sites in Lake Eleanor and Hetch Hetchy valleys in Yosemite National Park, and for other purposes—to the Committee on the Public Lands.

By Mr. BURKE: Joint resolution (H. J. Res. 224) proposing an amendment to the Constitution of the United States relating to the election of President and Vice-President—to the Committee on Election of President, Vice-President, etc.

By Mr. LOWDEN: Joint resolution (H. J. Res. 225) authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C.—to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. DIXON, from the Committee on Invalid Pensions: A bill (H. R. 25391) granting pensions and increase of pensions to certain soldiers and sailors of the civil war and certain widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. DRAPER, from the Committee on Pensions: A bill (H. R. 25409) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the civil war and to widows and dependent relatives of such soldiers and sailors—to the Private Calendar.

By Mr. ADAIR: A bill (H. R. 25413) granting a pension to William W. Layton—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of Missouri: A bill (H. R. 25414) granting an increase of pension to Jacob E. Westfall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25415) granting an increase of pension to Solomon F. Brown—to the Committee on Invalid Pensions.

By Mr. BANNON: A bill (H. R. 25416) granting an increase of pension to Jane Pool—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25417) granting an increase of pension to George W. Schachleiter—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 25418) granting an increase of pension to Stephen S. Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25419) granting an increase of pension to Edwin Shelmahine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25420) granting an increase of pension to Thomas B. Evans—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Georgia: A bill (H. R. 25421) granting an increase of pension to Pierce J. Reynolds—to the Committee on Pensions.

By Mr. BOYD: A bill (H. R. 25422) granting an increase of pension to William C. Webber—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 25423) granting an increase of pension to Henry Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25424) granting an increase of pension to William J. Smalling—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 25425) granting an increase of pension to Ruel Merrill—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 25426) for the relief of the heirs of the late John W. Massey—to the Committee on Claims.

Also, a bill (H. R. 25427) for the relief of Christian Christensen—to the Committee on Claims.

By Mr. CALDER: A bill (H. R. 25428) to pay Herman A. Dellus for services rendered in and about the burial of certain 17 soldiers who died at Camp Wyckoff, Long Island, New York, in August and September, 1898—to the Committee on Claims.

By Mr. CANNON: A bill (H. R. 25429) granting an increase of pension to Joel W. Babb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25430) granting an increase of pension to John Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25431) granting an increase of pension to Austin Henderson—to the Committee on Invalid Pensions.

By Mr. CHANEY: A bill (H. R. 25432) to authorize the honorable discharge of Theodore F. Colgrove, late lieutenant-colonel of the One hundred and forty-seventh Regiment Indiana Infantry—to the Committee on Military Affairs.

By Mr. COLE: A bill (H. R. 25433) granting an increase of pension to Marion P. Downey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25434) granting an increase of pension to William F. Galbreath—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 25435) granting an increase of pension to Hiram Pile—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25436) granting an increase of pension to Elijah L. Shipley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25437) granting an increase of pension to Henry T. Blair—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 25438) granting an increase of pension to Addison N. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25439) granting an increase of pension to Michael Fetter—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 25440) granting an increase of pension to Charles A. Gilman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25441) granting an increase of pension to Elbridge G. Arlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25442) granting an increase of pension to Warren C. Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25443) granting a pension to Henry B. Thomas—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 25444) granting an increase of pension to George H. Beck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25445) granting an increase of pension to Nathan W. Fitz Gerald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25446) granting an increase of pension to George H. Church—to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 25447) granting an increase of pension to George W. Wolfe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25448) to carry into effect the findings of the Court of Claims in the matter of Elijah B. Hammontree, administrator of the estate of John Hammontree, deceased—to the Committee on War Claims.

By Mr. DWIGHT: A bill (H. R. 25449) granting an increase of pension to Thomas B. Smeaton—to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 25450) granting an increase of pension to Samuel B. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25451) granting an increase of pension to Matthew Connell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25452) granting an increase of pension to Sarah L. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25453) to pay certain claims of G. W. Howland—to the Committee on War Claims.

By Mr. FULLER: A bill (H. R. 25454) granting an increase of pension to John F. Lakins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25455) granting an increase of pension to James Carrington—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: A bill (H. R. 25456) for the relief of the heirs of Hiram Wilhite, deceased—to the Committee on War Claims.

By Mr. GARRETT: A bill (H. R. 25457) granting an increase of pension to Henry Mooneyham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25458) granting an increase of pension to Michael Shoffner—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 25459) granting a pension to Louis Legune—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25460) granting an increase of pension to William E. Lawrence—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 25461) granting a pension to Mary Robinson—to the Committee on Pensions.

Also, a bill (H. R. 25462) granting an increase of pension to Charles P. Worthley—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 25463) granting a pension to Mary Gentry—to the Committee on Pensions.

Also, a bill (H. R. 25464) granting an increase of pension to Milford Clemons—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 25465) granting a pension to Bedy Wheeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25466) granting a pension to Robert L. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25467) granting an increase of pension to Sarah A. Stephenson—to the Committee on Invalid Pensions.

By Mr. OLLIE M. JAMES: A bill (H. R. 25468) granting an increase of pension to Mat Smith—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 25469) granting a pension to William S. Davidson—to the Committee on Pensions.

Also, a bill (H. R. 25470) granting an increase of pension to Charles Bishop—to the Committee on Pensions.

By Mr. KÜSTERMANN: A bill (H. R. 25471) granting an increase of pension to Nehemiah S. Chase—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 25472) for the relief of the estate of Horace L. Kent, deceased—to the Committee on War Claims.

By Mr. LANGLEY: A bill (H. R. 25473) granting a pension to Nace Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25474) granting a pension to John A. Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25475) granting a pension to Louie E. Downard—to the Committee on Pensions.

Also, a bill (H. R. 25476) granting a pension to Lemuel Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25477) granting a pension to Simpson Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25478) granting a pension to Sylvester B. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25479) granting a pension to Caroline Kidd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25480) granting a pension to Winston Conley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25481) granting a pension to Cornelius Meek—to the Committee on Pensions.

Also, a bill (H. R. 25482) granting a pension to John Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25483) granting a pension to Georgia A. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25484) granting an increase of pension to James Haddix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25485) granting an increase of pension to B. F. Dorsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25486) granting an increase of pension to Dale Treadway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25487) granting an increase of pension to James H. Clark—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 25488) granting a pension to Catherine Konnermann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25489) granting an increase of pension to Eli W. Bennett—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 25490) granting a pension to George F. Willard—to the Committee on Pensions.

By Mr. MCKINLEY of Illinois: A bill (H. R. 25491) granting a pension to John Webb—to the Committee on Pensions.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 25492) granting a pension to Hannah M. Smith—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 25493) to restore John F. Lewis to the United States Army with the rank of captain of infantry and place him upon the retired list—to the Committee on Military Affairs.

Also, a bill (H. R. 25494) granting an increase of pension to George W. Reed—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 25495) granting an increase of pension to Jesse D. Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25496) granting an increase of pension to John H. Riley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25497) granting an increase of pension to Richard Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25498) granting a pension to Margaret Dickson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25499) granting an increase of pension to George W. Cox—to the Committee on Invalid Pensions.

By Mr. SHERWOOD: A bill (H. R. 25500) granting an increase of pension to Florence J. O'Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25501) granting an increase of pension to William T. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25502) granting a pension to Mary Neal—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 25503) granting an increase of pension to Reubin Allred—to the Committee on Pensions.

By Mr. SMITH of Missouri: A bill (H. R. 25504) granting a pension to Alexander J. Souden—to the Committee on Pensions.

By Mr. SPERRY: A bill (H. R. 25505) for the relief of the heirs of Jenkins & Havens—to the Committee on War Claims.

By Mr. STAFFORD: A bill (H. R. 25506) granting an increase of pension to Christian Reuter—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 25507) granting an increase of pension to George M. Evans—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 25508) granting an increase of pension to Thomas J. Meeks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25509) granting an increase of pension to Charles Henry McLane—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 25510) granting an increase of pension to Thomas Brannan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25511) granting an increase of pension to Ransom Quimby—to the Committee on Invalid Pensions.

By Mr. WALDO: A bill (H. R. 25512) to pay certain claims of citizens of foreign countries against the United States and to satisfy certain conventional obligations of the United States—to the Committee on Claims.

By Mr. WILSON of Pennsylvania: A bill (H. R. 25513) granting an increase of pension to George W. Buckbee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25514) granting an increase of pension to John H. W. Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25515) granting an increase of pension to Matthias Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25516) granting an increase of pension to Peter B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25517) granting an increase of pension to Harry T. Peet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25518) granting an increase of pension to John Abbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25519) granting an increase of pension to David Rorabaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25520) granting an increase of pension to John Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25521) granting an increase of pension to Peter Dayton, alias William Ross—to the Committee on Invalid Pensions.

By Mr. BARTHOLDT: A bill (H. R. 25522) granting an increase of pension to Evelyn F. Banzhaf—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 25523) granting an increase of pension to Allen C. Rose—to the Committee on Invalid Pensions.

By Mr. DIXON: A bill (H. R. 25524) granting an increase of pension to William Vincent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25525) granting an increase of pension to Charles O'Donnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25526) granting an increase of pension to Walter S. Twaddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25527) granting an increase of pension to David M. Roseberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25528) granting an increase of pension to Benjamin M. Hutchins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25529) granting an increase of pension to Michael Emig—to the Committee on Pensions.

Also, a bill (H. R. 25530) granting an increase of pension to John Plummer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25531) granting an increase of pension to John A. Allie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25532) granting an increase of pension to Newton W. Botts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25533) granting an increase of pension to Stephen Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25534) granting an increase of pension to Henry C. Sutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25535) granting an increase of pension to Michael Bindhammer—to the Committee on Invalid Pensions.

By Mr. FOSS: A bill (H. R. 25536) granting a pension to Charles Wilson—to the Committee on Invalid Pensions.

By Mr. LANING: A bill (H. R. 25537) granting an increase of pension to S. A. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25538) granting an increase of pension to Clarence L. Church—to the Committee on Invalid Pensions.

Also, a bill (H. R. 25539) granting an increase of pension to Samuel Johnson—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 25540) granting an increase of pension to Richard Wait—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 25541) granting an increase of pension to Alexander Johnson—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAIR: Papers to accompany bills for the relief of John W. Crismond (H. R. 21540), John Rittenhouse (H. R. 24493), Joshua B. Ward (H. R. 21541), Jonas Siegrist (H. R. 22910), T. M. Smith (H. R. 23983), Robert L. Kirkwood (H. R. 25173), Henry Eller (H. R. 25172), Mathias House (H. R. 25170), and Wilson A. Martin (H. R. 25171)—to the Committee on Invalid Pensions.

Also, petition of W. H. Cappack and others, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. BANNON: Paper to accompany bill for relief of John Dufour—to the Committee on Invalid Pensions.

By Mr. BENNET of New York: Petition of David Kahn and others, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BINGHAM: Petition of ex-letter carriers of Philadelphia, Pa., asking that all letter carriers be paid for extra time over eight hours—to the Committee on Claims.

By Mr. BURKE: Paper to accompany bill for relief of James Bond (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

Also, petition of S. E. McCreary and Baur Brothers Company, of Pittsburg, Pa., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of A. E. Yoell, for enactment of a more effective exclusion law against Asiatics—to the Committee on Foreign Affairs.

Also, petition of Standard Underground Cable Company, for H. R. 12890 (increased efficiency of the Signal Corps of the Army)—to the Committee on Military Affairs.

Also, petition of William H. Mercur, Edward A. Weissner, and Robert E. Davison, for legislation creating a national department of public health—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Grange, Patrons of Husbandry, for highway improvement (H. R. 15837)—to the Committee on Agriculture.

Also, petition of Pittsburgh Idaho Company, favoring retention of duty on lead and lead ore—to the Committee on Ways and Means.

By Mr. CAPRON: Paper to accompany bill for relief of John J. Coughlin (previously referred to the Committee on Invalid Pensions)—to the Committee on Pensions.

By Mr. CHANEY: Paper to accompany bill for relief of Lieut. Col. Theodore F. Colgrove—to the Committee on Military Affairs.

By Mr. COLE: Petition of citizens of Ohio, for a parcels-post law and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. COOPER of Pennsylvania: Petition of citizens of Pennsylvania, against passage of Senate bill 3940—to the Committee on the District of Columbia.

Also, petition of Jefferson Grange, No. 1330, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. COUDREY: Paper to accompany bill for relief of John H. Drosselmeier (previously referred to the Committee on Invalid Pensions)—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of George W. Murray (previously referred to the Committee on Invalid Pensions)—to the Committee on Claims.

By Mr. CURRIER: Petition of Excelsior Grange, of Marlow, N. H., and John T. Smith, favoring the parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of New Hampshire Baptist convention, for legislation diminishing Sunday work of railway employees as much as practicable—to the Committee on Interstate and Foreign Commerce.

Also, petition of Robert P. Skinner, George Blakely, and others, for the creation of a national highways commission (S. 15837)—to the Committee on Agriculture.

By Mr. DWIGHT: Petition of Anna E. Rhodes and others, for a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Helena Stevens and others, of Freeville, N. Y., favoring Davis bill (H. R. 18204), for national cooperation in technical education—to the Committee on Agriculture.

By Mr. ENGLEBRIGHT: Petition of San Francisco Bar Association and Los Angeles Chamber of Commerce, favoring increase of salaries of circuit and district judges—to the Committee on the Judiciary.

Also, petition of M. A. Camp and others, against S. 3940 (Sunday observance in the District of Columbia)—to the Committee on the District of Columbia.

Also, petition of San Francisco clearing house, favoring reference of postal savings banks subject to the Currency Committee—to the Committee on the Post-Office and Post-Roads.

By Mr. FOCHT: Paper to accompany bill for relief of James Kirkwood—to the Committee on Invalid Pensions.

By Mr. FULLER: Papers to accompany bills for relief of Henry C. Peterman and James Carrington—to the Committee on Invalid Pensions.

Also, petition of Cheyenne Branch of Railway Postal Clerks, against H. R. 21261 (retirement plan for superannuated employees)—to the Committee on the Post-Office and Post-Roads.

Also, paper to accompany bill for relief of John F. Lakins—to the Committee on Invalid Pensions.

By Mr. GAINES of Tennessee: Papers to accompany bills for relief of heirs of Samuel Brockman, heirs of Hiram Wilhite, estate of William Denike, and estate of George W. Hutchison—to the Committee on War Claims.

By Mr. GARRETT: Papers to accompany bills for relief of Michael Shoffner and Henry Mooneyhan—to the Committee on Invalid Pensions.

By Mr. GORDON: Papers to accompany bills for relief of Bank of West Tennessee and Thomas Hunt—to the Committee on War Claims.

By Mr. GOULDEN: Petition of Charles H. Knauff, Andrew Peterson, and John Schannhoeffer, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, memorial of town mass meeting at Gettysburg, Pa., favoring H. R. 22339, providing for a Lincoln memorial highway—to the Committee on Appropriations.

Also, petition of Frank H. May, C. E. Lewis, F. H. Kruse, T. E. Stonehouse, Charles R. Heron, and others, of New York City, favoring legislation to secure fair consideration of railway measures, to discourage purely antirailroad legislation, and to favor such an adjustment of transportation rates as will be adequately remunerative to the railroads and assure maintenance of the wage scale—to the Committee on Interstate and Foreign Commerce.

Also, petition of memorial committee of the Grand Army of the Republic of New York City, favoring H. R. 220, preventing desecration of United States flag—to the Committee on the Judiciary.

By Mr. GRAHAM: Petition of Lawyers' Club of Philadelphia, favoring increase of judges' salaries—to the Committee on the Judiciary.

Also, petition of L. W. Miller, of Pittsburg, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of physicians of Tarentum, Pa., favoring creation of a national department of public health—to the Committee on Interstate and Foreign Commerce.

Also, petition of National Grange, Patrons of Husbandry, praying for the creation of a national highways commission (H. R. 15837)—to the Committee on Agriculture.

By Mr. HAMLIN: Papers to accompany bills for relief of Eli T. Forrester and Kiziah Phligly—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of Sacramento Valley Development Association, favoring improvement of navy-yard at Mare Island—to the Committee on Naval Affairs.

Also, petitions of W. A. Linville and 40 other citizens of Kernersville, N. C.; August Welch and 75 other citizens of San Francisco, Cal.; W. H. Martin and 41 other citizens of Gold Hill, N. C.; R. L. Glover and 25 other citizens of Hurlock, Md.; William B. Gerken and 47 other citizens of Brooklyn, N. Y.; A. J. Hertzberger and 48 other citizens of Evansville, Ind.; J. A. Rettew and 18 other citizens of Wilmington, Del.; J. Sheehy and 108 other citizens of San Francisco, Cal.; H. N. Allen and 163 other citizens of San Jose, Cal.; Lester Follett and 96 other citizens of Richmond, Ind.; Charles A. Cessua and 120 other citizens of San Francisco, Cal.; Frederick T. Rasmusor and 125 other citizens of San Francisco, Cal.; John P. Brewer and 48 other citizens of Williamsport, Cal.; James P. White and 153 other citizens of San Francisco, Cal.; and William Thomas and 190 other citizens of San Jose, Cal., favoring an effective exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HENRY of Connecticut: Petition of Suffield Grange, favoring a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of New Jersey: Petition of Anchor Grange, No. 173, Patrons of Husbandry, favoring parcels-post and postal savings-banks laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HOWELL of Utah: Petitions of citizens of Silver City, Salt Lake City, Ogden, and Beaver County, Utah, against reduction of duty on lead and lead ores—to the Committee on Ways and Means.

By Mr. HULL of Iowa: Petitions of citizens of Story, Polk, Marion, Warren, and Madison counties, Iowa, against legislation favoring any parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. KAHN: Petitions of W. J. Shrods and 25 other residents of Sacramento, Charles E. Helmig and other residents of Eureka, Robert Probst and 46 other residents of Trinidad, George W. Hinds and 144 other residents of San Jose and Santa Clara, C. H. Vincent and 46 other residents of San Diego, N. H. McLean and 149 other residents of San Francisco, John Maurice and 185 other residents of San Francisco, and J. A. Hubert and 9 others, all of the State of California, favoring an Asiatic exclusion law against all Asiatics except merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of California Board of Trade for the improvement of Humboldt Bay, California—to the Committee on Rivers and Harbors.

By Mr. KNAPP: Petition of residents of De Kalb Junction, N. Y., against parcels post on rural free-delivery routes—to the Committee on the Post-Office and Post-Roads.

Also, petition of residents of the Twenty-eighth New York Congressional District, favoring parcels-post and postal savings banks laws—to the Committee on the Post-Office and Post-Roads.

Also, petition against S. 3940 (Johnston Sunday law)—to the Committee on the District of Columbia.

By Mr. LAW: Petition of Buck Brothers & Co. et al., of Brooklyn, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Cheyenne Brotherhood of Railway Postal Clerks, against H. R. 21261 (retirement provision for superannuated employees)—to the Committee on the Post-Office and Post-Roads.

By Mr. LINDBERGH: Petition of St. Cloud Trade and Labor Council, of St. Cloud, Minn., against sentence of Judge Wright imposed on Gompers, Mitchell, and Morrison—to the Committee on the Judiciary.

By Mr. LINDSAY: Petition of Frederick Hemminger and others, of Brooklyn, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Frank W. Bell, favoring legislation for more equitable treatment of railroads—to the Committee on Interstate and Foreign Commerce.

By Mr. McLAUGHLIN of Michigan: Papers to accompany bill for the relief of Hannah M. Smith—to the Committee on Invalid Pensions.

By Mr. MADISON: Petition of citizens of Kansas, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. MALBY: Petition of residents of De Kalb Junction, N. Y., against enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. MANN: Petition of American Prison Association, for legislation to provide for work of the International Prison Commission—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany H. R. 23820, for the relief of the heirs of James C. Connor—to the Committee on War Claims.

Also, papers to accompany H. R. 3571, for the relief of T. R. Harris, and bill for the relief of Sarah E. Henoy—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: Petition of San Francisco clearing house, favoring reference of subject of postal savings banks to the Currency Committee—to the Committee on the Post-Office and Post-Roads.

Also, petition of Sacramento Valley Development Association, favoring improvement of navy-yard at Mare Island—to the Committee on Naval Affairs.

Also, petition of hundreds of residents of California, against the passage of S. 3940 (proper observance of Sunday as a day of rest in the District of Columbia)—to the Committee on the District of Columbia.

Also, petitions of Stockton Chamber of Commerce; of producers, merchants, shippers, and consumers at meeting in Stockton; and of producers, merchants, shippers, and consumers at meeting in Santa Cruz, held on rate day, favoring reference of all changes in railway rate making to the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, petition of citizens of King City, Cal., against a parcels post on rural delivery routes and parcels-post legislation in any form—to the Committee on the Post-Office and Post-Roads.

Also, petition of Tulare Grange, No. 198, Patrons of Husbandry, of Tulare City, Cal., favoring bill (S. 5122) providing for a system of parcel delivery on rural mail routes, and bill (S. 6484) for postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. PRAY: Petition of Belt Local Union, No. 770, United Mine Workers of America, for legislation to investigate the Treadwell Mining Company, of Alaska—to the Committee on Mines and Mining.

By Mr. PUJO: Paper to accompany bill for relief of Alonzo L. Boyer—to the Committee on War Claims.

By Mr. RAINEY: Petition of John Duntgen and 54 other soldiers of the civil war, favoring \$1 per day pensions for veterans of civil war—to the Committee on Invalid Pensions.

By Mr. SHERMAN: Petition against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. SMITH of Iowa: Petition of citizens of Guthrie County, Iowa, against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. SMITH of Texas: Petitions of citizens of Alpine, Eastland, Shackelford, Gordon, Callahan, Jones, Haskell, Nolan, and Taylor, all in the State of Texas, against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. STEPHENS of Texas: Paper to accompany bill for relief of H. R. Bill—to the Committee on Military Affairs.

By Mr. STURGISS: Petition of citizens of town of Davis, in public meeting, favoring establishment of a fish hatchery on

the Blackwater River—to the Committee on the Merchant Marine and Fisheries.

By Mr. TAYLOR of Alabama: Petition of citizens of Alabama, against Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

By Mr. THOMAS of Ohio: Petition of citizens of Barberton, Ohio, against a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. WALLACE: Paper to accompany bill for relief of J. B. Maryuan (previously referred to the Committee on Invalid Pensions)—to the Committee on Claims.

By Mr. WEEMS: Paper to accompany bill for relief of James G. Theaker—to the Committee on Invalid Pensions.

Also, petition of Alden Lee and others, for a parcels-post and postal savings bank law—to the Committee on the Post-Office and Post-Roads.

By Mr. WILSON of Pennsylvania: Petition of William Auglemyer and 21 others, residents of Jersey Shore, Lycoming County, Pa., protesting against the passage of the Johnston Sunday bill (S. 3940)—to the Committee on the District of Columbia.

Also, petition of A. F. Swerley, S. P. Brewster, Joel Baker, August Noelk, B. B. Baitey, R. L. Burditt, George T. Robinson, and others, for the passage of a parcels-post and postal savings bank bill—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG: Petition of citizens of Twelfth Congressional District of Michigan, against passage of Senate bill 3940—to the Committee on the District of Columbia.

SENATE.

THURSDAY, January 7, 1909.

Prayer by the Chaplain, Rev. Edward E. Hale.
The Journal of yesterday's proceedings was read and approved.

COMMITTEE SERVICE.

Mr. SUTHERLAND was, on his own motion, excused from further service upon the Select Committee to Investigate Trespassers upon Indian Lands.

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. SUTHERLAND be appointed to fill the vacancy in the chairmanship of the Committee on Industrial Expositions (Select).

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. PAGE be appointed to fill the vacancies in each of the following committees:

Chairmanship, To Investigate Trespassers Upon Indian Lands (Select);

On Fisheries; and

On the Revision of the Laws of the United States.

Mr. HALE submitted the following resolution, which was considered by unanimous consent and agreed to:

Resolved, That Mr. CUMMINS be appointed to fill the vacancies in each of the following committees:

On the University of the United States;

On Public Health and National Quarantine; and

On Additional Accommodations for the Library of Congress (Select).

LAWS RELATING TO INSULAR POSSESSIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a compilation prepared by the Bureau of Insular Affairs, War Department, embracing all legislation enacted by the Fifty-ninth Congress relating to Alaska, Cuba, Guam, Isthmian Canal Zone, Hawaii, the Midway Islands, the Philippine Islands, Porto Rico, etc., together with all treaties and conventions entered into by the United States during that period affecting any of these insular and Isthmian possessions, and also all proclamations issued by the President during this period concerning any of these possessions, etc., which, with the accompanying papers, was referred to the Committee on Printing.

ELECTORAL VOTES.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, pursuant to law, authenticated copies of the certification of the final ascertainment of electors for President and Vice-President appointed in the States of Mississippi, Michigan, and Oregon, which, with the accompanying papers, was ordered to be filed.

DISPOSITION OF USELESS PAPERS.

The VICE-PRESIDENT. The Chair lays before the Senate a communication from the Secretary of the Treasury, transmitting, pursuant to law, a schedule of useless papers, books, etc., on the files of the office of the Auditor for the Post-Office Department, which are not needed in the transaction of public

business and have no permanent value or historical interest. The communication and accompanying papers will be printed (H. Doc. No. 1286) and referred to the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments. The Chair appoints as the committee on the part of the Senate the Senator from Texas [Mr. BAILEY] and the Senator from Tennessee [Mr. FRAZIER]. The Secretary will notify the House of Representatives of the appointment of the committee on the part of the Senate.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (S. 653) to authorize commissions to issue in the cases of officers of the army retired with increased rank, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H. R. 16620. An act authorizing the appointment of dental surgeons in the navy;

H. R. 19662. An act to amend an act entitled "An act to establish the Foundation for the Promotion of Industrial Peace;" and

H. R. 21926. An act for the organization of the militia in the District of Columbia.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Chamber of Commerce of Boston, Mass., remonstrating against the adoption of the provision in the census bill providing for the appointment of employees in the Census Office without a competitive examination, which was ordered to lie on the table.

Mr. PLATT presented memorials of sundry citizens of Brooklyn, New York City, Pocantico Hills, and Tarrytown, all in the State of New York, remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented a petition of Local Grange No. 840, Patrons of Husbandry, of Mahopac, N. Y., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. KEAN presented petitions of sundry citizens of Windsor, Cedarville, Moorestown, Woodstown, Rutherford, Medford, Vincentown, and Mickleton, all in the State of New Jersey, praying for the passage of the so-called "rural parcels-post" and "postal savings-banks" bills, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented the memorial of J. S. Collins & Son, of Moorestown, N. J., remonstrating against the passage of the so-called "rural parcels-post" bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented memorials of sundry citizens of Newark, Paterson, Ridgewood, Elizabeth, Westfield, Boonton, Rochelle Park, West Hoboken, Jersey City, East Orange, Orange, and Bayonne, all in the State of New Jersey, and of New York City, N. Y., remonstrating against the enactment of any legislation inimical to the railroad interests of the country, which were referred to the Committee on Interstate Commerce.

He also presented the petition of George W. Smith, of Phillipsburg, N. J., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in all government buildings, ships, and grounds, and also to prohibit the interstate transportation of intoxicating liquor into prohibition districts, which was referred to the Committee on Public Buildings and Grounds.

Mr. BURROWS presented a petition of Pleasant Lake Grange, No. 693, Patrons of Husbandry, of Cadillac, Mich., and a petition of sundry citizens of Onsted, Mich., praying for the passage of the so-called rural parcels-post and postal savings-banks bills, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. BURNHAM presented petitions of sundry citizens of West Brookfield, Carroll, Sutton, Leavitts Hill, Laconia, and Marlow, all in the State of New Hampshire, and of Phelps and Niobe, in the State of New York, praying for the passage of the so-called "Burnham rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Engineering Society of the Carolinas, of Charlotte, N. C., praying for the enactment of legislation to establish a national forest reserve in the Southern Appalachian and White Mountains, which was ordered to lie on the table.

Mr. BURKETT presented a memorial of sundry citizens of Genoa, Nebr., remonstrating against the enactment of legislation discontinuing the United States Indian Industrial School